

**Qualifications & Disqualifications for contesting elections to Parliament and State Legislature (except J & K), and documents and other requirements at the time of filing of nomination papers**

**1) Minimum age for contesting election to-**

Lok Sabha (House of the People) -	25 years
Vidhan Sabha (Legislative Assembly) -	25 years
Rajya Sabha (Council of States) -	30 years
Vidhan Parishad (Legislative Council)-	30 years

**2) Qualifications& disqualification for contesting aforesaid elections are given in Articles 84, 102, 173& 191 of the Constitution and Sections 3 to 10Aof the RP Act, 1951.  
Extract from relevant provisions**

**Article 84- Qualification for membership of Parliament.-**

*A person shall not be qualified to be chosen to fill a seat in Parliament unless he-*

*(a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;*

*(b) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age; and*

*(c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.*

**Article 102- Disqualifications for membership.-**

*(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament-*

*(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;*

*(b) if he is of unsound mind and stands so declared by a competent court;*

*(c) if he is an undischarged insolvent;*

*(d) if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;*

*(e) if he is so disqualified by or under any law made by Parliament.*

*Explanation- For the purpose of this clause a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State.*

*(2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.*

### **Article 173- Qualification for membership of the State Legislature.**

*A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he-*

*(a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;*

*(b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and*

*(c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.*

### **Article 191-Disqualification for membership.-**

*(1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State-*

*(a) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder;*

*(b) if he is of unsound mind and stands so declared by a competent court;*

*(c) if he is an undischarged insolvent;*

*(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;*

*(e) if he is so disqualified by or under any law made by Parliament.*

*Explanation- For the purpose of this clause a person shall not be deemed to hold an office of profit under Government of Indian or the Government of any State specified in the first Schedule by reason only that he is a Minister either for the Union of for such State.*

*(2)A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State is he is so disqualified under tenth Schedule.*

## **Sections 3 to 10A of the Representation of the People Act, 1951**

### **3. Qualification for membership of the Council of States.**

*A person shall not be qualified to be chosen as a representative of any State or Union territory in the Council of States unless he is an elector for a Parliamentary constituency in India.*

### **4. Qualifications for membership of the House of the People.**

*A person shall not be qualified to be chosen to fill a seat in the House of the People, unless—*

- (a) in the case of a seat reserved for the Scheduled Castes in any State, he is a member of any of the Scheduled Castes, whether of that State or of any other State, and is an elector for any Parliamentary constituency;*
- (b) in the case of a seat reserved for the Scheduled Tribes in any State (other than those in the autonomous districts of Assam), he is a member of any of the Scheduled Tribes, whether of that State or of any other State (excluding the tribal areas of Assam), and is an elector for any Parliamentary constituency;*
- (c) in the case of a seat reserved for the Scheduled Tribes in the autonomous districts of Assam, he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary constituency in which such seat is reserved or for any other Parliamentary constituency comprising any such autonomous district;*
- (cc) in the case of the seat reserved for the Scheduled Tribes in the Union territory of Lakshadweep, he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary constituency of that Union territory;*
- (ccc) in the case of the seat allotted to the State of Sikkim, he is an elector for the Parliamentary constituency for Sikkim;*
- (d) in the case of any other seat, he is an elector for any Parliamentary constituency.*

### **5. Qualifications for membership of a Legislative Assembly.**

*A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless—*

- (a) in the case of a seat reserved for the Scheduled Castes or for the Scheduled Tribes of that State, he is a member of any of those castes or of those tribes, as the case may be, and is an elector for any Assembly constituency in that State;*
- (b) in the case of a seat reserved for an autonomous district of Assam, he is a member of a Scheduled Tribe of any autonomous district and is an elector for the Assembly constituency in which such seat or any other seat is reserved for that district; and*
- (c) in the case of any other seat, he is an elector for any Assembly constituency in that State:*

*Provided that for the period referred to in clause (2) of article 371A, a person shall not be qualified to be chosen to fill any seat allocated to the Tuensang district in the Legislative Assembly of Nagaland unless he is a member of the regional council referred to in that article.*

#### **5A. Qualifications for membership of Legislative Assembly of Sikkim.**

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*(2) Notwithstanding anything contained in section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of the State of Sikkim, to be constituted at any time after the commencement of the Representation of the People (Amendment) Act, 1980, unless—*

- (a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any assembly constituency in the State other than the constituency reserved for the Sanghas;*
- (b) in the case of a seat reserved for the Scheduled Castes, he is a member of any of those castes in the State of Sikkim and is an elector for any assembly constituency in the State;*
- (c) in the case of a seat reserved for Sanghas, he is an elector of the Sangha constituency; and*
- (d) in the case of any other seat, he is an elector for any assembly constituency in the State.*

*Explanation--- In this section "Bhutia" includes Chumbpia, Dophapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa and Yolmo.*

#### **6. Qualification for membership of a Legislative Council.**

*(1) A person shall not be qualified to be chosen to fill a seat in the Legislative Council of a State to be filled by election unless he is an elector for any Assembly constituency in that State.*

*(2) A person shall not be qualified to be chosen to fill a seat in the Legislative Council of a State to be filled by nomination by the Governor unless he is ordinarily resident in the State.*

#### **Disqualifications for membership of Parliament and State Legislatures**

#### **7. Definition.—In this Chapter,—**

- (a) "appropriate Government" means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;*
- (b) "disqualified" means disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.*

## **8. Disqualification on conviction for certain offences.**

*(1) A person convicted of an offence punishable under—*

- (a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code; or*
- (b) the Protection of Civil Rights Act, 1955 (22 of 1955) which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising there from; or*
- (c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962; or*
- (d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or*
- (e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or*
- (f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or*
- (g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987; or*
- (h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or*
- (i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) of clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act; or*
- (j) section 6 (offence of conversion of a place of worship) of the Places of Worship (Special Provisions) Act, 1991; or*

*(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 ; or*

*(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or*

*(m) the Prevention of Corruption Act, 1988 (49 of 1988); or*

*(n) the Prevention of Terrorism Act, 2002 (15 of 2002),*

*shall be disqualified, where the convicted person is sentenced to-*

*(i) only fine, for a period of six years from the date of such conviction;*

*(ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.*

*(2) A person convicted for the contravention of—*

*(a) any law providing for the prevention of hoarding or profiteering; or*

*(b) any law relating to the adulteration of food or drugs; or*

*(c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961);*

*and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release*

*(3) A person convicted of any offence and sentenced to imprisonment for not less than two years other than any offence referred to in sub-section (1) or sub-section (2) shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.*

*Explanation- In this section-*

*(a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for—*

*(i) the regulation of production or manufacture of any essential commodity;*

*(ii) the control of price at which any essential commodity may be bought or sold;*

*(iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;*

- (iv) *the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;*
- (b) *"drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);*
- (c) *"essential commodity" has the meaning assigned to it in the Essential Commodity Act, 1955 (10 of 1955);*
- (d) *"food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).*

#### **8A. Disqualification on ground of corrupt practices.**

*(1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted, as soon as may be within a period of three months from the date such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:*

*Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.*

*(2) Any person who stands disqualified under section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for the removal of such disqualification for the unexpired portion of the said period.*

*(3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under subsection (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.*

#### **9. Disqualification for dismissal for corruption or disloyalty.**

*(1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal.*

*(2) For the purposes of sub-section (1), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State shall be conclusive proof of the fact:*

*Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.*

### **9A. Disqualification for Government contracts, etc**

*A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.*

*Explanation.--- For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.*

### **10. Disqualification for office under Government company.**

*A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a cooperative society) in the capital of which the appropriate Government has not less than twenty-five per cent share.*

### **10A. Disqualification for failure to lodge account of election expenses**

*If the Election Commission is satisfied that a person—*

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and*
  
- (b) has no good reason or justification for the failure, the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.*

### **3) Forms of Nomination Papers**

- (a) Nomination Paper in [Form 2A](#) appended to Conduct of Elections Rules, 1961 for contesting election to the Lok Sabha (House of the People).
- (b) Nomination Paper in [Form 2B](#) appended to Conduct of Elections Rules, 1961 for contesting election to the Vidhan Sabha (Legislative Assembly).
- (c) Nomination Paper in [Form 2C](#) appended to Conduct of Elections Rules, 1961 for contesting election to the Rajya Sabha (Council of States).
- (d) Nomination Paper in [Form 2D](#) appended to Conduct of Elections Rules, 1961 for contesting election to the Vidhan Parishad (Legislative Council) by the Members of the Legislative Assembly.
- (e) Nomination Paper in [Form 2E](#) appended to Conduct of Elections Rules, 1961 for contesting election to the Vidhan Parishad (Legislative Council) from a Council constituency.(Graduates'/Teachers'/Local Authorities' constituency).

- (f) Nomination Paper in Form 2F appended to Conduct of Assembly Elections (Sikkim) Rules, 1979 for contesting election to the Vidhan Sabha (Legislative Assembly) of Sikkim from a Constituency for Sikkimese of Bhutia-Lepcha origin.
- (g) Nomination Paper in Form 2G appended to Conduct of Assembly Elections (Sikkim) Rules, 1979 for contesting election to the Vidhan Sabha (Legislative Assembly) of Sikkim from a general Constituency or a constituency Reserved for Scheduled Caste.
- (h) Nomination Paper in Form 2H appended to Conduct of Assembly Elections (Sikkim) Rules, 1979 for contesting election to the Vidhan Sabha (Legislative Assembly) of Sikkim from Sangha Constituency.

#### 4) **Affidavit**

Affidavit in Form 26 appended to the Conduct of Elections Rules, 1961 furnishing particulars relating to criminal antecedents, if any, (cases of convictions and all pending cases), details of PAN and status of filing of Income tax return of self, spouse and dependents, details of the assets (movable and immovable etc.) & liabilities/dues of candidate, spouse and all dependents to government and public financial institutions, details of profession or occupation of candidate and spouse, and highest educational qualification of the candidate.

In the affidavits filed by candidates along with their nomination paper, the candidates are required to fill up all columns therein and no column can be left blank. Therefore, at the time of filing of affidavit, the Returning Officer has to check whether all columns of the affidavit filed with the nomination paper are filled up. If not, the Returning Officer shall give a reminder to the candidate to furnish information against blank columns. If there is no information to be furnished against any item, appropriate remarks such as 'NIL' or 'Not Applicable' or 'Not Known' as may be applicable shall be indicated in such column. The candidate should not leave any column blank. If a candidate fails to fill the blanks even after reminder, the nomination paper will be liable to be rejected by the Returning Officer at the time of scrutiny of nomination papers.

The Affidavit should be sworn by the candidate before an Oath Commissioner or Magistrate of first class or before a Notary Public.

The Affidavit has to be filed along with the Nomination Paper. If not filed with the Nomination Paper, then must be submitted to the Returning Officer before 3 PM on the last date for filing nominations. The affidavit should be type written. If any column is filled in hand, it should be legibly written.

**5) Registration in the Electoral Roll**

The person must be enrolled in the current electoral roll of any of the Parliamentary Constituencies for contesting elections from a Parliamentary Constituency. However, in the case of election from Parliamentary Constituencies of Autonomous District in Assam, Sikkim and Lakshadweep the candidate should be an elector in the respective areas as provided in Section 4 of the Representation of the People Act, 1951.

For contesting elections to State Legislature, the person must be enrolled in the current electoral roll of any of the assembly constituencies of the State.

In case the candidate is registered as an elector in the electoral roll of a constituency different from the constituency from which he/she stands as a candidate then a copy of electoral roll of that constituency, or part thereof or certified copy of the relevant entries in the electoral roll where the name of the candidate is entered in the current electoral roll must be attached with the Nomination paper or filed before the Returning Officer latest by the time of scrutiny of nominations.

**6) Oath/Affirmation**

The candidate has to make an oath in the prescribed format as given in the 3<sup>rd</sup> Schedule of the Constitution, before the Returning Officer/Assistant Returning Officer or any other person authorised by the Election Commission. The oath has to be made and submitted at any time after filing of nomination paper and latest by the day previous of the date fixed for scrutiny of nomination.

**7) Candidates Sponsored by Political Party**

In case a candidate claims to be sponsored by any political party (whether recognised or not) then the prescribed notice from Political Party concerned about his sponsorship in [Form A](#) and [Form B](#), duly completed in all respects, in case of elections from Parliamentary or Assembly Constituency has to be submitted to the Returning Officer/Chief Electoral Officer latest by 3 PM on the last date for filing of nominations.

In case of elections to Rajya Sabha (Council of States) and elections to Vidhan Parishad (Legislative Council) by MLAs, Graduates'/Teachers'/Local Authorities' Constituencies such sponsorship in [Form AA](#) & [Form BB](#) Should be filed, also by 3 PM on the last date for filing nomination.

**8) Number of Proposers**

<p>Lok Sabha (House of the People)</p> <p style="text-align: center;">AND</p> <p>Vidhan Sabha (Legislative Assembly)</p>	<p>One elector of the constituency as proposer, if the candidate has been set up either by a recognised National party or by a recognised State party in the State or States in which it is recognised as a State party</p> <p>Ten (10) electors of the constituency as proposers, if the candidate has been set up by a registered un-recognised political party or if he is an independent candidate</p> <p>In the case of a candidates of a State party recognised in one State, contesting election in another State in which the Party is not so recognised, the nomination of such candidate(s) set up by that party in such other State will also be required to be subscribed by ten (10) electors of the constituency as proposers.</p>
<p>Rajya Sabha (Council of States)</p>	<p>10% of the elected members of the Legislative Assembly or 10% of the members of the electoral college or 10 members concerned, whichever is less in the case of a candidate set up by a recognised National or State Party of the State concerned. In the case of the other candidates the number of proposers required is ten.</p>
<p>Vidhan Parishad (Legislative Council)</p>	<p>10% of the members of the Legislative Assembly or 10 members concerned, whichever is less.</p>

**9) Security Deposit**

	<b>General</b>	<b>Schedule Caste/Schedule Tribe</b>
Lok Sabha (House of the People)	Rs. 25,000/-	Rs.12,500/-
Rajya Sabha (Council of States)	Rs. 10,000/-	Rs. 5,000/-
Vidhan Sabha (Legislative Assembly)	Rs. 10,000/-	Rs. 5,000/-
Vidhan Parishad (Legislative Council)	Rs. 10,000/-	Rs. 5,000/-

The security deposit can be deposited either in cash with the Returning Officer or by filing a challan in the Reserve Bank of India or a Government Treasury.

The deposit should be made under the following Head of Account for Election to Parliament: - 8443-CIVIL DEPOSITS-121-DEPOSITS IN CONNETION WITH ELECTIONS-2-DEPOSITS MADE BY CANDIDATES FOR PARLIAMENT;

The deposit for Election to State/Union Territory Legislatures: - 8443-CIVIL DEPOSITS-121-DEPOSITS IN CONNECTION WITH ELECTIONS-1-DEPOSITS MADE BY CANDIDATES FOR STATE/UNION TERRITORIES LEGISLATURES.

**10) Scheduled Caste/Scheduled Tribe**

Candidates belonging to Scheduled Caste/Scheduled Tribes may be required to submit documentary proof of being a SC/ST to the satisfaction of the Returning Officer.

**11)** In addition to the above requirements, the Returning Officer may seek any document for his satisfaction with regard to qualifications and disqualifications of the candidate, wherever necessary.

Under Section 36 of the Representation of the People Act, 1951, the Returning Officer is the competent authority to scrutinize and decide the validity or otherwise of the nomination papers filed by the candidates.