

# THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS ACT, 1952

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THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS ACT, 1952

ACT No. 31 OF 1952

[14th 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 context 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 <sup>1</sup>[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;

<sup>2</sup>[(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 <sup>3</sup>[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.

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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.**—<sup>1</sup>[(I) 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 (I) 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 (I) 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 (I) shall be issued as soon as may be after the occurrence of such vacancy.

<sup>2</sup>**5. Public notice of election.**—On the issue of a notification under sub-section (I) 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.**—(I) On or before the date appointed under clause (a) of sub-section (I) 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 <sup>3</sup>[fifty electors] as proposers and at least <sup>3</sup>[fifty electors] as seconders;

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1. Subs. by Act 5 of 1974, s. 3, for sub-section (I) (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 <sup>1</sup>[twenty electors] as proposers and at least <sup>1</sup>[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 <sup>2</sup>[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

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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).