Polity & Governance · GS - II

On what grounds a people's representative can be disqualified under the Representation of People Act, 1951? Also mention the remedies available to such person against his disqualification.

EXAM YEAR	PAPER	SUBJECT
2019	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

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Answer Hint

Representation of the People Act 1951; criminal convictions; corrupt practices; electoral offences; government contracts; failure to lodge election expenses; disqualification grounds; election petitions; appellate remedies; constitutional safeguards

Model Answer

Introduction

The Representation of the People Act (RPA), 1951, prescribes grounds for disqualification of candidates and elected representatives to protect electoral integrity and democratic accountability.

Grounds for Disqualification

- **Criminal conviction:** Section 8 provides for disqualification for specified convictions and, subject to statutory conditions, imprisonment of at least two years. The protection previously available to sitting legislators under Section 8(4) was invalidated in *Lily Thomas v. Union of India* (2013).
- **Corrupt practices:** Section 8A provides for disqualification following a finding of corrupt practice, subject to the statutory procedure.
- **Dismissal from government service:** Section 9 covers dismissal for corruption or disloyalty to the state within the prescribed period.

- **Government contracts and offices:** Sections 9A and 10 address specified government contracts and offices of profit in government companies.
- **Failure to lodge election expenses:** Section 10A provides for disqualification for failure to submit election expenditure accounts as required, without a good reason or justification.
- **Other grounds:** Sections 8 and 11A cover specified electoral offences and related disqualifications.

Remedies Available

1. **Election petition:** Under Section 80, an election can be challenged before the High Court on legally prescribed grounds.
2. **Appeal:** Under Section 116A, an appeal lies to the Supreme Court against a High Court judgment in an election petition.
3. **Statutory relief:** Where authorised, the Election Commission may grant relief or remove certain disqualifications under relevant provisions.
4. **Judicial review:** Decisions may be challenged through the appropriate legal process where jurisdiction permits.

Conclusion

Disqualification provisions safeguard the integrity of representative institutions. Clear statutory procedures and access to judicial remedies help balance electoral accountability with fairness to the affected individual.

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