Polity & Governance · GS - II

Discuss the procedures to decide the disputes arising out of the election of a Member of Parliament or State Legislature under the Representation of the People Act, 1951. What are the grounds on which the election of any returned candidate may be declared void? What remedy is available to the aggrieved party against the decision? Refer to the case laws.

EXAM YEAR	PAPER	SUBJECT
2022	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Election disputes are governed primarily by Sections 80, 80A, 81, 86, 98, 100 and 116A of the Representation of the People Act, 1951. Election petitions are tried by the High Court, and appeals lie to the Supreme Court. The law specifies grounds for declaring elections void, including corrupt practices, improper acceptance or rejection of nominations and material non-compliance with electoral law.

Model Answer

Introduction

Election disputes concerning Members of Parliament and State Legislatures are adjudicated under the Representation of the People Act (RPA), 1951, ensuring electoral integrity and accountability.

Body

Procedure

Under Section 80, an election can be challenged only through an election petition. Section 81 requires the petition to be presented to the concerned High Court within 45 days of the election result. The High Court tries the petition under Section 86 and may dismiss it for failure to comply with statutory requirements.

Grounds for Declaring an Election Void

Section 100 permits the High Court to declare an election void where:

1. The returned candidate was not qualified or was disqualified.
2. The candidate or their election agent committed a corrupt practice.
3. A nomination was improperly rejected.
4. The result was materially affected by improper acceptance of a nomination, improper reception or rejection of votes, or non-compliance with the Constitution, the RPA or applicable rules.

Remedy and Case Law

Under Section 116A, an appeal lies to the Supreme Court on a question of law or fact within 30 days, subject to statutory provisions.

In *Jyoti Basu v. Debi Ghosal* (1982), the Supreme Court emphasised that election rights and remedies are statutory. In *Indira Nehru Gandhi v. Raj Narain* (1975), electoral adjudication was examined in the context of constitutional principles and free and fair elections.

Conclusion

The RPA, 1951 establishes a structured judicial mechanism for resolving election disputes. Timely adjudication and adherence to statutory grounds are essential to uphold democratic legitimacy.

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