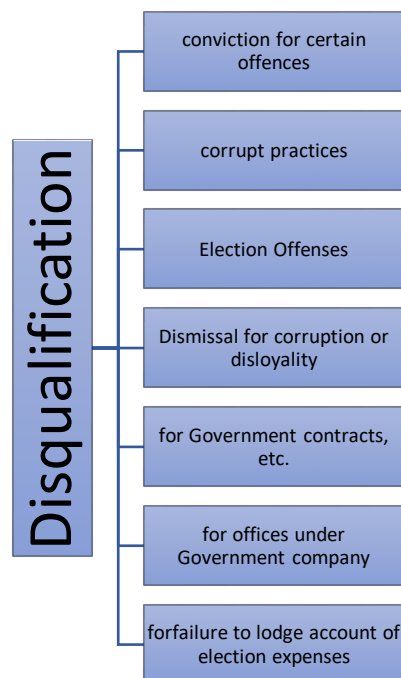


**Outline the grounds for disqualification under the Representation of the People Act, 1951. Additionally, discuss the remedial measures available to those representatives who have been disqualified.**

In India, elections to the Parliament and state legislatures are governed by the Representation of the People Act, 1951, which also specifies the standards for disqualifying representatives. By prohibiting individuals engaged in actions that go against the spirit of the democratic process, disqualification clauses are meant to protect the integrity of legislators and candidates.

## Grounds of Disqualification



### Conviction for certain offences:

- Under section 8, a person found guilty of particular crimes, such as corruption, certain serious crimes, and offenses involving moral turpitude, can be disqualified.
- If the term is more than two years, disqualification lasts for six years after release. Certain offenses specified in the Act carry immediate disqualification, even if the term is less than two years.

### Corrupt practices:

- Candidates convicted of "corrupt practices," as defined by the Act, which include bribery, undue influence, impersonation, and unlawful spending, are disqualified under Section 8A. The President sets the disqualification period, which can be up to six years long and is often based on recommendations from the Election Commission.

### **Election Offenses:**

- People who engage in election violations listed in Sections 125, 135, 135A, and 136—such as inciting hatred, bribery, and voter intimidation—are disqualified under the Act. This disqualification term, which lasts for six years following release from jail, corresponds with the penalty.

### **Dismissal for corruption or Disloyalty:**

- In order to preserve the separation of powers and avoid conflicts of interest, Section 9 disqualifies anybody holding a "office of profit" in the federal or state government, with the exception of positions exempted by law.

### **Failure to lodge account of election expenses**

If the election Commission is satisfied that a person-

- a) Not made proper report on account of election expenses within stipulated time and manner required under this act.
- b) Failure to give explanation on account details.

Disqualification extends for three years from order date under section 10A.

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

If and for as long as a person serves as a managing agent, manager, or secretary of a business or corporation (except from a cooperative society) in the capital where the relevant government owns at least 25% of the shares, they will be disqualified.

## **Corrective Actions for Representatives Who Were**

### **Disqualified Higher Court Appeal:**

Representatives who are disqualified under Section 8 due to a criminal conviction may file an appeal with a higher court. If a higher court issues a suspension of conviction, the disqualification could be deferred under certain situations.

### **Pardon, Reprieve, or Remission:**

The representative may be permitted to return to office or run for office if the President or Governor pardons, reprieves, or remits the punishment.

### **Application to the Election Commission:**

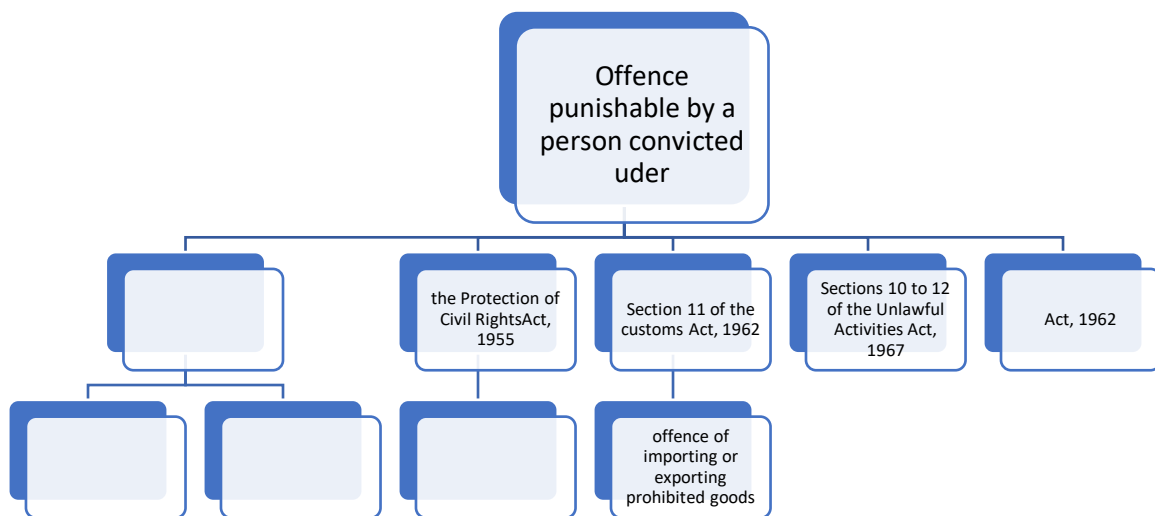
Those who are disqualified may submit an application to the Election Commission, particularly in situations where there have been instances of corruption or non-filing of costs. Depending on the particular circumstances and gravity of the offense, the Commission may offer suggestions or allow the disqualification to be loosened.

### **Review by the President:**

The disqualified person may request the President's review for specific disqualifications under Sections 8A, 9A, and 10A. The President takes action based on the recommendations of the Election Commission.

## **Conclusion**

Although they frequently come under intense judicial examination to uphold the requirements of public office integrity, these procedures give representatives the opportunity to contest disqualification.



**On ground of corrupt practices**