

## **CANDIDATE**

### **Qualifications**

(A.243F and 243V of Constitution, Section 29 of Kerala Panchayat Raj Act and Section 85 of Kerala Municipality Act)

- Name is included in the Electoral Roll of any of the Constituency/Ward of the Panchayat/Municipality concerned.
- Completed 21st year of age on the date of submission of nomination
- In the case of a seat reserved for SC/ST, he is a member of any of those cast or tribes, as the case may be
- In the case of a seat reserved for women, such person is a women.
- Not disqualified under any of the provision of the Kerala Panchayat Raj Act/Kerala Municipality Act.
- Makes and subscribes before the Returning Officer or any other person authorized by the State Election Commissioner, an oath or affirmation in the form specified in 1st Schedule of Kerala Panchayat Raj Act or in 2nd Schedule of Kerala Municipality Act.

### **Disqualifications**

(Section 30-34 of Kerala Panchayat Raj Act and Section 86-90 of Kerala Municipality Act)

- Being an officer or employee in the service of
  - State Government, Central Government, Local Authority etc.
  - A corporation controlled by State or Central Government or Local Authority;
  - Any company or Co-operative society/Co-operative Bank in which the State or Central Government or a Local Authority having not less than fifty one percent share;
  - Statutory Boards in the State;
  - University in the State;
  - Part-time employees and persons receiving honorarium from State or Central Government or Local Authority except Anganwadi employees, Balawadi employees, Asha workers and Saksharatha Preraks (Panchayat), Anganwadi

employees, Balawadi employees, Asha workers  
(Municipality)

- Being an officer/employee as above dismissed for corrupt practices/ disloyalty and 5 years from the date of dismissal have not elapsed.
- Convicted for an offence relating to infringement of secrecy of an election and 6 years have not elapsed.
- Disqualified by the Governor for corrupt practices in election and the period of disqualification has not elapsed.
- Disqualified by the State Election Commission on account of failure to submit account of election expenditure or of submitting false account of expenditure or of incurring expenses in excess of the limits, and 5 years have not elapsed.
- Disqualified for election to the State Legislative Assembly.
- Proved at a later time that community certificate produced for contesting or the declaration submitted in a reservation seat is false/bogus or he is declared not belonging to SC/ST and 6 years have not elapsed from the date of such declaration.
- Sentenced with imprisonment for a period of not less than 3 months for an offence involving moral turpitude.
- Found guilty of corruption by a competent authority
- Held personally liable for mal administration by the Ombudsman for LSGI.
- Adjudged to be of unsound mind.
- Voluntarily acquired foreign citizenship.
- Sentenced by a criminal court for any electoral offence or has been disqualified from exercising any electoral rights on account of corrupt practices in connection with election and 6 years have not elapsed from the date of such sentence or disqualification.
- Interested in subsisting contract made with, or any work being done for the Government or any Local Authority, except as a shareholder (other than a Director) in a company, or except as permitted by rules.
- Is an applicant for being adjudicated as an insolvent or is an undischarged insolvent.
- Employed as a paid legal practitioner on behalf of Government or that Local Authority.

- Already a member/councillor whose term of office will not expire before the fresh election take effect, or has already been elected as member/councillor whose term of office has not yet commenced.
- Is in arrears of any kind due by him to the Government or to the Local Authority up to and inclusive of the previous year, in respect of which a bill or notice has been duly served and the time, if any, specified therein for payment has expired.
- Dismissed or removed from the service of Central Government, State Government, Local Authority or Company, Corporation, Co-operative Society, Co-operative Bank in which Central, State or Local Authority having more than 51% share or Statutory Board or University and five years have not elapsed from the date of dismissal or removal.
- Debarred from practicing as an Advocate
- Is a deaf-mute
- Black listed consequent on defaulted performance under any contract, tender or auction with the govt.
- Found liable by the Ombudsman for loss, waste or misuse of money or property of the LSGI.
- Disqualified under the provisions of the Kerala Local Authorities (Prohibition of Defection) Act and 6 years have not elapsed.
- Disqualified under any other provisions of Kerala Panchayat Raj Act or Kerala Municipality Act.

## **Nominations**

(Section. 52 of Kerala Panchayat Raj Act, Section.107 of Kerala Municipality Act)

- Nomination papers are to be prepared in Form 2 of the Rules
- It should be signed by the Candidate and by an elector of the constituency/ward as the proposer
- It can be delivered to the Returning Officer/Assistant Returning Officer between 11 AM and 3 PM from the date of Public Notice of election, till the last day appointed for making nominations.
- Either the candidate or his proposer has to deliver the same.
- Details such as the educational qualification, criminal case in which he is involved, property owned, liabilities and whether disqualified for defection are to be furnished along with the nomination in form 2A.

- For contesting to a seat reserved for SC/ST, a community certificate from a competent officer should also be produced.
- Where the candidate is a person dismissed or removed from Government service, or Local Authority service, etc, a certificate from the State Election Commission to the effect that he has not been dismissed or removed for corruption or disloyalty, also need be produced.
- Up to 3 nomination papers can be presented by or on behalf of a candidate.
- A person nominated as a candidate shall not be nominated as a candidate in another constituency/ward of the same Panchayat/Municipality.
- If the candidate is an elector of a different constituency a copy of electoral roll of that constituency or relevant part or certified copy of relevant entries shall be filed along with nomination paper.
- Deposit either in cash or receipt showing that the amount has been deposited has to presented along with nomination paper.
- Every candidate has to make and subscribe an oath or affirmation before the Returning Officer or the person authorized by the State Election Commission in the form specified in the 1st schedule of the Kerala Panchayat Raj Act or in 2nd schedule of the Kerala Municipality Act.

## **Election Expenditure**

(Section 85 & 86 of Kerala Panchayat Raj Act/ Section 141 to 142 of Kerala Municipality Act)

- Every contesting candidate has to, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated as a candidate and the date of declaration of the result thereof (both dates inclusive).
- The account shall contain particulars such as date of incurring expenses, nature of expenses, amount paid and to be paid, date of payment, name and address of payee, serial number of vouchers and bills and the name and address of the person to whom amount are to be paid.

- The account of election expenditure has to be lodged with the officer authorized by the State Election Commission within 30 days from the date of election of the returned candidate.
- Following are the authorized officers
 

Grama Panchayats	- Secretary, Block Panchayat
Block Panchayats	- Secretary, District Panchayat
District Panchayats, Municipalities and Municipal Corporations	- District Collector
- Immediately after the said 30 days, the officer authorized will make available to the officer appointed by the State Election Commission (Secretary, State Election Commission), the account of expenses received by him along with the list of candidates who did not lodge the accounts.
- The total of the expenditure shall not exceed the following limits.
 

Grama Panchayat	- 10,000/-
Block Panchayat/Municipal Council	- 30,000/-
District Panchayat/Municipal Corporation	- 60,000/-

## **Deposits**

(Section.53 & 144 of Kerala Panchayat Raj Act/Section 109 & 201 Kerala Municipality Act)

- A candidate has to deposit an amount as given below.
 

Grama Panchayat	- Rs.1000/-
Block Panchayat	- Rs.2000/-
District Panchayat	- Rs.3000/-
Municipal Council	- Rs.2000/-
Municipal Corporation	- Rs.3000/-
- A candidate belonging to the SC/ST need to deposit only 50%.
- Even where more than one nomination is filed, one deposit is enough.
- The deposits shall be returned to the depositor within 3 months after the declaration of results.
- If the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of

valid votes polled by all the candidates, the deposit shall be forfeited to the Local Authority concerned.

- Where the candidate's name is not shown or his name is shown incorrectly in the list of candidates or where the candidate dies before the commencement of the poll, the deposit shall be returned, as soon as practicable, after the publication of the list or after his death.
- Deposit shall be returned to the person making it or his legal representative, as the case may be.

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