

**ANDHRA PRADESH STATE ELECTION COMMISSION**  
**VIJAYAWADA**

**ELECTIONS TO GRAM PANCHAYATS - 2020**

**FREQUENTLY ASKED QUESTIONS (FAQs)**  
**FOR THE GUIDANCE OF RETURNING OFFICERS**

**Q.1.** What is the minimum age for becoming a Ward Member or Sarpanch of a Gram Panchayat?

**Ans.** Not less than 21 years of age as on the date of scrutiny of nominations. Minimum age for becoming a Ward Member or Sarpanch of a Gram Panchayat shall be 21 years (Sec. 17 of Andhra Pradesh Panchayat Raj Act, 1994).

**Q2.** If I am not a registered voter in any Gram Panchayat, can I contest elections?

**Ans.** No. For contesting election as a Ward Member or Sarpanch, a person must be a registered voter in any of the electoral roll of the Gram Panchayat concerned [Rule 8(2)(a) of Andhra Pradesh Panchayat Raj (Conduct of Election) Rules, 2006].

**Q.3.** If I am a registered voter in Gram Panchayat, can I propose a candidate to contest from any Ward of the Gram Panchayat concerned?

**Ans.** No. The proposer for Member of a Ward in the Gram Panchayat shall be a registered voter in the Ward concerned. But, the proposer to the office of Sarpanch shall be a registered voter in any ward of the concerned Gram Panchayat [Rule 8(2)(b) of Andhra Pradesh Panchayat Raj (Conduct of Election) Rules, 2006].

**Q.4.** If a person is having more than two children, is such a person qualified to contest elections?

**Ans.** Under Sec. 19(3) of A.P. Panchayat Raj Act, 1994, a person having more than two children shall be disqualified for contesting election as member.

However, if a person is having more than two children before 30.5.1994 (i.e., the date of commencement of A.P. Panchayat Raj Act, 1994), he/she is not disqualified. Additional children born within one year, i.e., upto 29.5.1995 will not be taken into consideration. Further, if one or more children are born after 29.5.1995, such person will incur disqualification. Various cases are given in the table below for guidance.

| No. of Children Born |                                 |                   | Total  | Qualified or Disqualified |
|----------------------|---------------------------------|-------------------|--------|---------------------------|
| Before 30.5.1994     | Between 30.5.1994 and 29.5.1995 | After 29.5.1995   |        |                           |
| 3                    | Nil                             | Nil               | 3      | Qualified                 |
| 3                    | 1 or 2                          | Nil               | 4 or 5 | Qualified                 |
| 3                    | 1                               | 1                 | 5      | Disqualified              |
| 3                    | Nil                             | 1                 | 4      | Disqualified              |
| Nil                  | 1                               | 1                 | 2      | Qualified                 |
| Nil                  | 2 (single births)               | 1                 | 3      | Disqualified              |
| Nil                  | Twins                           | 1                 | 3      | Disqualified              |
| Nil                  | 1                               | Twins             | 3      | Qualified                 |
| Nil                  | 1                               | 2 (not twins)     | 3      | Disqualified              |
| Nil                  | Nil                             | 2                 | 2      | Qualified                 |
| Nil                  | Nil                             | 1 + Twins         | 3      | Qualified                 |
| Nil                  | Nil                             | Triplets          | 3      | Qualified                 |
| Nil                  | Nil                             | 3 (single births) | 3      | Disqualified              |

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**Q.5.** Children given on adoption are to be counted against the natural parents or adopted parents?

**Ans.** As per the judgment delivered by the Hon'ble High Court of AP in WP No. 17947 of 2005 dated 19.7.2006, children given on adoption shall be counted against their natural or biological parents, but not against the parents who have adopted them. If a person possessed three children and gave one child out of the three on adoption shall also incur disqualification.

**Q.6.** If a person has two children with first wife who passed away and possessed one more child with his second wife. Is he qualified or disqualified? What about his second wife?

**Ans.** If a person has two children with first wife who passed away and possessed one more child with his second wife, he shall be disqualified. However, his second wife, who gave birth to only one child, is qualified.

**Q.7.** If a person has three children and one of them died before the date of scrutiny, is he qualified?

**Ans.** Yes. The number of living children a person is having as on the date of scrutiny is the criteria for determining his eligibility under this section.

**Q.8.** If a lady who already possessed two children and is pregnant as on date of scrutiny, is she qualified or disqualified?

**Ans.** She is qualified as she is having only two children as on the date of scrutiny.

**Q.9.** Whether an employee of State Government or Central Government or of a local authority is qualified to contest elections?

**Ans.** No. He/she is disqualified under Sec.18(1) of APPR Act, 1994. However, if the resignation tendered by such an employee is accepted by the date of scrutiny, his nomination can be accepted.

**Q.10.** Is a Fair Price Shop dealer qualified to contest elections?

**Ans.** Yes. The Hon'ble High Court of Andhra Pradesh in W.P.No.14189/ 2006 and batch relied upon the judgment of Somnath Rath V. Bikram K. Arukh reported in AIR 1999 Supreme Court, 3417, held that the Fair Price Shop dealers are eligible to contest elections.

**Q.11.** Is an Anganwadi worker eligible to contest elections?

**Ans.** No. They are not eligible to contest elections under Sec.18(1) of APPR Act, 1994 (as per the Judgment of the Hon'ble High Court dtd.09.4.2007 in WP No.6894 of 2007).

**Q.12.** Whether office bearers of Water Users' Association are eligible for contesting elections?

**Ans.** No. They are disqualified under section 18(1) of APPR Act, 1994 as per the judgment of the Hon'ble High Court dated 13.11.2010 in WP No. 13294 of 2010. Under section 18(1), any office bearer of a body constituted under a law made by the legislature of the State or Parliament is disqualified for being chosen or for being a Member of Gram Panchayat. Water Users' Association is a body constituted under

A.P. Farmers Management of Irrigation Systems Act, 1997. As such, its office bearers are disqualified under the sections referred in this answer.

**Q.13.** Whether office bearers of Cooperative Societies are eligible for contesting elections?

**Ans.** Yes. Office bearers of Cooperative Societies are entitled to contest elections to Panchayat Raj Bodies. Cooperative Societies or organisations registered under the Cooperative Societies Act, 1954 and they are not directly constituted under the said Act.

**Q.14.** Whether Chairman and Members of Trust Boards of a charitable or religious institution are eligible to contest elections?

**Ans.** No. They are disqualified under section 18(1) of APPR Act, 1994. The trust board of a charitable or religious institution is appointed under section 15 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987.

**Q.15.** Can a proposer of any candidate be also a candidate for the same territorial constituency?

**Ans.** Yes, as per law there is no bar.

**Q.16.** If information given by a candidate in declaration is wrong, can RO reject the nomination of the candidate? Especially, if other candidates raise objection and give proof that information in the declaration is wrong.

**Ans.** No, the nomination of a candidate cannot be rejected for suppressing or giving false information in the declaration. The copies of the nomination papers filed by each candidate along with copy of the declaration accompanying the nomination should be displayed on the notice board in the office of RO on the day the nomination is filed. If anyone furnishes any information contradicting the statements in the nomination form or declaration by means of a duly sworn affidavit / declaration, copies of such affidavits / declarations should also be displayed on the notice board. If the RO is satisfied that the information given by the candidate in the declaration is wrong, he is required to file a formal complaint before the appropriate Court under section 177 of IPC (read with section 200 CrPC).

**Q.17.** If a complaint is received that a person who has filed nomination is of unsound mind, what course of action will be taken by RO?

**Ans.** The complainant has to prove by producing a declaration by the competent court under the Lunacy Act to the effect that the person concerned is of unsound mind. Disqualification under Sec. 19(2)(a) of APPR Act, 1994 is attracted only when there is a declaration by competent court that the person is of unsound mind.

**Q.18.** Whether nomination papers of a candidate who was physically present just a minute before 5:00 PM on the last day of nomination, but without documents will be received or not?

**Ans.** Nomination paper if available with the candidate has to be received but no other document shall be permitted to be brought into his office after 5:00 PM. In the check list, the fact of not having submitted the relevant documents will be entered. Question of rejection of nomination paper will be decided at the time of scrutiny.

**Q.19.** If during scrutiny, a proposer says on affidavit that he has not signed on nomination papers, then what will RO do?

**Ans.** The RO has to satisfy himself about the signature of the proposer. In case he is

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satisfied after summary enquiry that the signature is not of the proposer as claimed by him then the nomination paper shall be rejected and the person who filed the nomination paper with forged signature/thumb impression will have to be prosecuted under the law. However, the candidate concerned should be given adequate opportunity to present his case. If necessary, scrutiny proceedings in that candidates' case can be adjourned.

**Q.20.** Regarding signature of a proposer, if in the summary inquiry, the RO finds that the signature is false, can the nomination be rejected?

**Ans.** Yes, in case the RO finds on summary inquiry that the signature is false, then that nomination paper will be rejected by the RO.

**Q.21.** What is the maximum number of nominations that can be filed in respect of any candidate?

**Ans.** No restriction.

**Q.22.** If a candidate filed more than one nomination and all the nominations filed by him/her were accepted, what is the number of entries to be made regarding such candidate in the list of validly nominated candidates?

**Ans.** There shall be only one entry in respect of each validly nominated candidate in the list of validly nominated candidates although more nomination papers than one in respect of him/her have been accepted as valid.

**A.23.** Can a candidate withdraw nomination immediately after scrutiny or has to wait till list of validly nominated candidates is prepared in prescribed form?

**Ans.** He should wait till the RO prepares the list of validly nominated candidates in prescribed form.

**Q.24.** How many persons are allowed to enter the RO's room when the nomination papers are being filed?

**Ans.** As per the election rules, nomination papers can be delivered to the RO by the candidate in person or by his/her proposer. The maximum number of persons allowed to enter the office of RO's room at the time of filing of nomination papers is three including the candidate and/or his/her proposer. Where a candidate chooses not to be present physically to deliver nomination papers, the proposer and two other individuals shall be allowed to enter the office of the RO.

**Q.25.** Whether the nomination paper filed by a candidate not signed at the time of submission or filing of nomination papers can be signed thereafter before scrutiny of nomination papers or not?

**Ans.** At the time of scrutiny, if any nomination paper of a candidate is found without the signature of the candidate, the RO should reject the nomination as it is a defect of substantial nature. Signature cannot be affixed subsequently.

**Q.26.** Who can deliver the Notice of Withdrawal?

**Ans.** The Notice of Withdrawal in prescribed form shall be signed by the candidate and delivered personally to the RO before the stipulated time. If the notice is not delivered by the candidate in person, it shall be delivered by his/her proposer or election agent who has been authorised in this behalf in writing by the candidate (Rule 14 of Conduct of Election Rules, 2006).

**Q.27.** Whether candidates belonging to SC/ST/BC are eligible for concessional rate of deposit if they contest from unreserved seats?

**Ans.** Yes. Candidates belonging to SC/ST/BC are eligible for concessional rate of deposit if they contest from seats reserved for their respective categories or from unreserved seats. Candidate eligible for this concessional rate must file the declaration annexed as Part-III of Nomination Form that he is a member of a Scheduled Caste or a Scheduled Tribe or a Backward Class, which he/she claims to be. The rates of deposits are given below:

| Name of the Office | Deposit to be remitted by candidates, other than SC, ST and BC candidates | Deposit to be remitted by SC, ST and BC candidates |
|--------------------|---|--|
| Sarpanch           | Rs.3,000/-  | Rs.1,500/-   |
| Ward member        | Rs.1,000/-  | Rs.500/-   |

**Q.28.** Can a candidate who has given a notice of withdrawal of his candidature in prescribed form be allowed to cancel the notice?

**Ans.** No. A candidate who has given a notice of withdrawal of candidature in the manner prescribed shall not be allowed to cancel the notice.

**Q.29.** Is there any provision for appeal against the decision of the RO on acceptance or rejection of nomination papers?

**Ans.** There is no appeal against acceptance of nomination. Under Rule 13 of APPR (Conduct of Election) Rules, 2006, a person whose nomination paper is rejected by the RO, may prefer an appeal against the decision of RO before the concerned Appellate Authority on the day immediately following the day of scrutiny of nominations.

**Q.30.** If the name of a person is registered in more than ward or more than once in the same ward, is such a person is disqualified from contesting elections?

**Ans.** No. If a person is registered in more than one ward or more than once in the same ward, he/she is not disqualified.

No provision exists in the APPR Act to disqualify such persons from contesting elections. However, under Sec. 11(6) of the Act, no person shall vote at an election in more than one ward or more than once in the same ward and if he does so, all his votes shall become invalid.

**Q.31.** If the name of a person is registered in a Gram Panchayat and also in an Urban Local Body, is such a person is disqualified from contesting elections?

**Ans.** No provision exists in the APPR Act to disqualify such person from contesting elections.

**Q.32.** A person was convicted by a criminal court for an offence and sentenced to imprisonment. If such a person is released on bail, is he eligible to contest elections?

**Ans.** Under section 19(1) of APPR Act, 1994, a person convicted by a criminal court for certain offences, he shall be disqualified for election as a Member for a period of five years from the date of conviction. Where he is sentenced to imprisonment he shall be disqualified while undergoing sentence and for a period of five years from the expiration thereof. Conviction by trial court attracts disqualification. Release on bail does not remove disqualification unless conviction is also stayed during pendency of appeal.

**Dr. N. Ramesh Kumar**  
**State Election Commissioner**