

Annexure 22

(CHAPTER VII, PARA-7.9.1)

NOTICE TO CONTESTING CANDIDATES REGARDING PENAL PROVISIONS IN THE ELECTION LAW

Please take note that following are the provisions relating to the corrupt practices and electoral offences in the Jammu & Kashmir Representation of People Act, 1957, and the offences relating to elections in Chapter IX-A of the Ranbir Penal Code. The list enumerated below is not to be taken an exhaustive. You are advised to study also relevant provisions in the law. The proof of the commission of these corrupt practices and electoral offences may entail as per law the election being declared void and/or also award of punishment as laid down in the law.

(I) THE JAMMU & KASHMIR REPRESENTATION OF THE PEOPLE ACT, 1957

A. CORRUPT PRACTICES

Section 132-(1) Bribery, (2) undue influence, (3) appeal on the ground of religion, race, caste, community or language or the use of, or appeal to religious or national symbols, (3-a) promotion of feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language, (3-b) the commission of any unlawful activity by a candidate or his agent or by any other person or association with the consent (connivance or knowledge) of a candidate or his election agent, (4) publication of false statement in relation to the personal character or conduct of a candidate or his candidature, (5) the hiring or procuring of vehicles or use of

such vehicle for the free conveyance of voters, (6) the incurring or authorizing of election expenses in excess of the prescribed limit, and (7) the obtaining or procuring of assistance from specified categories of Government Servants, and (8) booth capturing.

B. ELECTORAL OFFENCES

1. Section 132-A- Promoting enmity between different classes in connection with election.
2. Section 133- Prohibition of public meetings during the prohibited period.
3. Section 134- Disturbance at election meetings.
4. Section 134-A- Restrictions on the printing of pamphlets, posters, etc.
5. Section 135- Maintenance of secrecy of votes.
6. Section 137- Prohibition of canvassing in or near polling stations.
7. Section 138- Disorderly conduct in or near polling stations.
8. Section 139- Misconduct at polling station.
9. Section 140- Illegal hiring or procuring of conveyances at elections.
10. Section 141-B- Prohibition of going armed to or near to polling station.
11. Section 142 – Removal of ballot papers from polling stations.
12. Section 142-A- Offence of booth capturing.
13. Section 142-C- Liquor not to be sold, given or distributed on polling day.
14. Section 143- Fraudulent or unauthorized destruction of election papers, documents, ballot papers, ballot boxes etc.

(II) RANBIR PENAL CODE

15. Section 171-B- Bribery.
16. Section 171-C- Undue influence at elections.
17. Section 171-D- Personation at elections.
18. Section 171-G- False statement in connection with an election.
19. Section 171-H- Illegal payment in connection with an election.
20. Section 171-I- Failure to keep election accounts.