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- 
- 
- Home
- UPSC
  - Current Affairs IAS
  -    
  - Quiz IAS
  -     
  - UPSC News Editorial (/Eng)
  - Answer Writing ( /Eng)
  - UPSC Essay (/Eng)
  - UPSC GS (/Eng)
    - UPSC GS 1 ( /Eng)
    - UPSC GS-2 ( /Eng)
    - UPSC GS-3 ( /Eng)
    - UPSC GS-4 ( /Eng)
  - Kurukshetra ( /Eng)
  - Yojana ( /Eng)
  - IAS Strategy for Prelims
    - General Studies
    - CSAT
  - IAS Strategy for Mains
    - IAS GS 1
    - IAS GS 2
    - IAS GS 3
    - IAS GS 4
  - IAS Test Series
- Himachal HPAS
  - Himachal Daily Current Affairs
  -   
  - Daily Himachal GK Quiz

- Himachal HPAS
- Himachal News Editorial (Hindi/Eng)
- Answer Writing (Hindi /Eng)
- Himachal Essay (Hindi/Eng)
- Giriraj
  - Magazine
  - Giriraj Quiz
- Himachal
  - Himachal
  - Himachal Himachal
- HP Government Schemes
- Himachal Himachal Himachal Himachal
- Syllabus Prelims Himachal HPAS
  - GENERAL STUDIES
  - CSAT
    - English
    - Hindi
- Syllabus Mains Himachal HPAS
  - English,Hindi,Essay & One Optional
  - HPAS GS 3
  - HPAS GS 2
  - HPAS GS 1
- Himachal HPAS Test Series
- All You need to Know about Himachal HPAS
- HARYANA HCS
  - Haryana Current Affairs
  - Himachal Himachal Himachal
  - HCS Quiz
  - Himachal Himachal Himachal
  - Haryana News Editorial (Hindi/Eng)
  - Answer Writing (Hindi /Eng)
  - Haryana Essay (Hindi/Eng)
  - HR Government Schemes
  - Himachal Himachal Himachal Himachal
  - Syllabus Mains Haryana HCS
  - Syllabus Prelims Haryana HCS
  - HCS Prelims Test Series

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- [Punjab PCS Current Affairs](#)
- [Daily Quiz Punjab PCS](#)
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- [Answer Writing \(Eng\)](#)
- [Punjab Essay \(Eng\)](#)
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- [Syllabus Prelims Punjab PCS](#)
  - [General Studies](#)
  - [Prelims GS 1](#)
- [Syllabus Mains Punjab PCS](#)
  - [PCS GS 1](#)
  - [PCS GS 2](#)
  - [PCS GS 3](#)
  - [PCS GS 4](#)
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  - [CSAT English](#)
  - [Punjab PCS CSAT](#)
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  - [Polity \(Hindi / Eng\)](#)
  - [Geography \(Hindi / Eng\)](#)
  - [Environment \(Hindi / Eng\)](#)
  - [History \(Hindi / Eng\)](#)
  - [Economics \(Hindi / Eng\)](#)
  - [Science and Technology \(Hindi / Eng\)](#)
  - [CSAT Concepts \(Hindi / Eng\)](#)
  - [Maps \(Hindi / Eng\)](#)
  - [Art and Culture \(Hindi / Eng\)](#)
  - [International Affairs \(Hindi / Eng\)](#)
  - [Punjab PCS Concepts](#)
  - [Himachal HPAS Concepts \(Hindi / Eng\)](#)
  - [Haryana HCS Concepts \(Hindi / Eng\)](#)
  - [Rajasthan RAS Concepts \(Hindi / Eng\)](#)
- [Concept Quiz](#)
  - [Polity Quiz \(Hindi/Eng\)](#)

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- Environment Quiz (हिंदी/Eng)
- History Quiz (हिंदी/Eng)
- Economics Quiz (हिंदी/Eng)
- Science and Technology Quiz (हिंदी/Eng)
- CSAT Concepts Quiz (हिंदी/Eng)
- Maps Quiz (हिंदी/Eng)
- Art and Culture Quiz (हिंदी/Eng)
- Punjab PCS Concepts Quiz
- Himachal HPAS Concepts Quiz (हिंदी/Eng)
- Haryana HCS Concepts Quiz (हिंदी/Eng)
- Rajasthan RAS Concepts Quiz (हिंदी/Eng)
- Mains
  - UPSC Answer Writing (हिंदी/Eng)
  - HPPSC Answer Writing (हिंदी/Eng)
  - Haryana HCS Answer Writing (हिंदी/Eng)
  - Punjab PCS Answer Writing
- Exam Blogs
  - UPSC Exam Blogs
  - Himachal Exam Blogs
  - Punjab exam Blogs
  - Haryana Exam Blogs
  - Rajasthan Exam Blogs
  - E-Magazine
    - E-Magazine for HPAS
    - हिंदी/English में हिंदी-हिंदी
    - E-Magazine for Punjab PCS
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  - National Exams
  - Himachal Pradesh Exams
  - Punjab Exams
  - Test Series Planner
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- youtube 

## MENU

Click on Drop Down for Current Affairs

## Topics Covered



- Summary:
  - What is the news?
    - What is the Law for Nomination?
    - Procedure for Uncontested Elections:
      - What happened in the Surat Lok Sabha constituency?
      - Legal recourse:
  - How did it start?
    - Negative Voting Scope in the Election System:
  - Lets Understand this in Simple Example:
    - How Does It Work?
    - Negative Voting: What's That?
    - So, in summary:
  - How can voters be encouraged to participate in uncontested elections?
    - QuizTime:
    - Are you Ready!
- Read the Below Instructions Carefully:
  - Please Rate!
- Mains Questions:
  - Question 1:
  - Model Answer:
  - Question 2:
  - Model Answer:
  - Relevance to the UPSC Prelims and Mains

syllabus under the following topics:

- Prelims:
- Mains:

## **Summary:**

- Election Unopposed: Mukesh Dalal of BJP was elected unopposed in Surat after other nominations were rejected or withdrawn.
- Nomination Process: The Representation of the People Act, 1951, governs the nomination process and conditions for uncontested elections.
- Surat Case Incident: The Congress candidate's nomination was challenged due to allegedly non-genuine proposer signatures.
- Legal Recourse: The only legal option is to file an election petition in the Gujarat High Court as per the RP Act and Constitution.

## **What is the news?**

- On April 22, the Bharatiya Janata Party (BJP) secured its first Lok Sabha seat when its nominee, Mukesh Dalal, was elected unopposed in the Surat constituency of Gujarat. This victory followed the rejection of the Congress candidates' nomination papers and the withdrawal of other nominees. As a

result, Surat, Gujarat's second-largest city, will not hold elections on May 7.

- The rejection was due to discrepancies in the signatures of proposers, leading to a scenario where Dalal emerged as the sole candidate in the race.

## ***What is the Law for Nomination?***

- Section 33 of the Representation of the People Act (RPA), 1951, specifies the qualifications for a valid nomination.
- An elector over the age of 25 can run for Lok Sabha from any seat in India.
- The candidate's proposer(s) should be elector(s) from the constituency in which the nomination is lodged.
- In the event of a recognised party (national or state), the candidate must have one proposer.
- Candidates founded by unrecognised parties and independents must be supported by ten proposers.
- A candidate may submit up to four nomination papers with separate sets of proposers.
- This allows for the acceptance of a candidate's candidature even if only one set of nomination papers is complete.
- Section 36 of the RP Act governs the Returning Officer's (RO) review of nomination papers.
- It states that the RO may not reject a candidate

because of a minor flaw. However, it states that if the candidate's or proposer's signature is proved to be forged, it is grounds for rejection.

- Section 53 (3) of the RPA, 1951 addresses the procedure of uncontested elections.
- According to this clause, if the number of such candidates is smaller than the number of seats to be filled, the RO must proclaim all of them elected.
- The RO's actions are governed by Section 33 of the Act, which pertains to the presentation of nomination papers and requirements for a valid nomination.
- Section 36 of the Representation of the People Act, 1951, talks about how the Returning Officer (the person in charge of elections in a particular area) checks these nomination papers.
- They can't reject a nomination unless there's a significant problem with it.
- However, if they find that the signatures on the papers aren't genuine, they can reject the nomination.

## ***Procedure for Uncontested Elections:***

- Section 53 (3) of the Representation of the People Act, 1951 deals with the procedure in uncontested elections. According to this proviso, if the number of such candidates is less than the number of seats to be filled, the returning officer (RO) shall forthwith declare all such candidates to be

elected. In this regard, the RO's actions are governed by Section 33 of the Act which pertains to the presentation of nomination papers and requirements for a valid nomination.

- Besides, the Handbook for Returning Officers (Edition 2) issued by the Election Commission (EC) in August 2023, in the chapter titled uncontested election, states that "if in any constituency, there is only one contesting candidate, that candidate should be declared to have been duly elected immediately after the last hour for withdrawal of candidature. In that event, a poll is not necessary." It also says that "all those candidates, who are returned as uncontested and [who] have criminal antecedents, must publicise the details in the prescribed format as per timeline."

## ***What happened in the Surat Lok Sabha constituency?***

- In the present case, the candidate of the Congress party for the Surat constituency had filed three sets of nomination papers. The proposers for these three nomination papers were his brother-in-law, nephew and business partner. A BJP worker objected to his nomination alleging that the signatures of his proposers were not genuine.
- In the Surat case, three proposers of the Congress candidate, Nilesh Kumbhani, claimed they hadn't signed his nomination form. They also failed to appear before the district election officer (DEO) to support his nomination. The Handbook for

Returning Officers (Edition 2) specifies that if only one candidate contests a constituency, they should be declared elected immediately after the withdrawal deadline, rendering a poll unnecessary. Additionally, candidates with criminal antecedents must disclose details as per the prescribed format and timeline.

- However, the nomination paper of the substitute candidate was also rejected for the same reason, that is of the proposer's signature not being genuine.
- The other nominations were either rejected or withdrawn paving the way for BJP candidate Mukesh Dalal to be declared winner.
- It has approached the Election Commission (EC) seeking to set aside the decision of the RO and restart the election process.

## ***Legal recourse:***

- However, it is unlikely that the EC would act on this request as Article 329(b) of the Constitution read with RP Act provides that no election shall be called into question except by an election petition before the concerned High Court.
- One of the grounds on which such an election petition can be filed is improper rejection of nomination papers.
- Hence, the legal recourse available is to file an election petition in the Gujarat High Court.
- The RP Act provides that High Courts shall endeavour to conclude such trials within six

months, which has mostly not been followed in the past.

- Speedy disposal of election petitions would be a step in the right direction.

## ***How did it start?***

- In 1952, Anand Chand, an independent candidate, became the first Lok Sabha MP to be elected without opposition. Chand was the 44th monarch of the former princely state of Bilaspur, which was then a Lok Sabha constituency. Bilaspur is currently part of Himachal Pradesh's Hamirpur constituency.
- According to the Indian Express, the most MPs elected unopposed in a single election were five in 1952, 1957, and 1967.
- With four MPs, J&K has the greatest number of uncontested Lok Sabha members since 1952.
- Andhra Pradesh, Assam, Odisha, Tamil Nadu, Telangana, and Uttar Pradesh are among the eight states that have elected more than one member to the Lok Sabha unopposed.
- Late deputy prime minister and former Maharashtra Chief Minister YB Chavan (Nashik), former Chief Minister of Jammu and Kashmir and National Conference chief Farooq Abdullah (Srinagar), former Chief Minister and former Governor SC Jamir (Nagaland), and Odisha's first Chief Minister Harekrushna Mahatab (Angul) are among the prominent leaders who have been elected to the Lok Sabha without contest. Former union ministers PM Sayeed (Lakshadweep) and KL Rao from Vijayawada

were also elected unopposed.

- Before Dalal, Dimple Yadav, the leader of the Samajwadi Party, won the Kannauj Lok Sabha seat unopposed in a 2012 bypoll after two contenders withdrew in her favour.

## ***Negative Voting Scope in the Election System:***

- While the “None of the Above” (NOTA) option has been available since 2013, Rule 49-0 of the Conduct of Election Rules, 1961, allows electors to choose not to vote. In this case, the presiding officer records the elector’s decision in the remarks column of the Register of Voters. The NOTA option, introduced by the Supreme Court, has been present on electronic voting machines (EVMs) since November 2013. It empowers voters to express disapproval while maintaining their right to secrecy.
- The Surat walkover and the NOTA provision highlight the nuances of India’s electoral system, emphasizing transparency and voter choice.

## ***Lets Understand this in Simple Example:***

- Imagine a school election where there’s only one student running for class president, and no one else wants to compete against them.

In such cases, the student who's the only candidate automatically becomes the class president without any voting. They win "unopposed."

Similarly, in our country's elections, if there's only one person contesting from a particular area (like the Surat constituency in Gujarat), they can be declared the winner without any voting process. This is called being elected "unopposed."

## ***How Does It Work?***

- **Fewer Candidates Than Seats:** If the number of candidates is less than the available seats (like having only one student running for class president), the election officer declares them elected right away.
- **Nomination Papers:** The candidates submit their nomination papers, which are like their official applications to participate in the election.
- **Checking Validity:** The election officer checks if everything is correct in these papers, like the names and details matching the official voter list.
- **Withdrawal Deadline:** Before the deadline for withdrawing nominations, if there's only one candidate left, they win automatically.
- **No Need for Voting:** Since there's no competition, there's no need for a voting day. The winner is already decided.

## ***Negative Voting: What's That?***

- Imagine you're choosing between different ice cream flavors, but none of them really excite you. You wish there was an option to say, "I don't want any of these."
- Well, in elections, we have something similar called "None of the Above" or NOTA.
- When you press NOTA on the voting machine, you're saying, "None of these candidates impress me."
- It's like giving feedback that you're not happy with any of the choices.
- The NOTA option has been available since 2013, and it helps protect your right to secrecy while expressing your disapproval.

### ***So, in summary:***

- Unopposed elections happen when there's only one candidate, and they win automatically.
- NOTA lets you say, "None of the above" if you're not excited about any candidate.

***How can voters be encouraged to participate in uncontested elections?***

*Encouraging voter participation in uncontested elections is crucial for maintaining a healthy democratic process. Here are some strategies to motivate voters:*

### ***Awareness Campaigns:***

- Educate voters about the significance of their participation even in unopposed elections.
- Highlight that their vote still matters, as it contributes to the legitimacy of the elected candidate.

### ***Community Engagement:***

- Organize local events, town halls, or community meetings where candidates can interact with voters.
- Encourage candidates to share their vision and plans, even if they are running unopposed.

### ***Empowerment:***

- Emphasize that voting is a fundamental right and civic duty.
- Remind voters that their voice matters, regardless of the number of candidates.

### ***Transparency:***

- Ensure transparency in the election process.
- Share information about the candidate's background, qualifications, and track record.

## ***Incentives:***

- Consider small incentives (e.g., certificates of participation) for voters who turn up at polling stations.
- Highlight the positive impact of their participation on local governance.

## ***Social Media and Technology:***

- Use social media platforms to disseminate information about the election.
- Leverage technology for online voter registration and reminders.

## ***Civic Education in Schools:***

- Include lessons on elections, voting, and democracy in school curricula.
- Instill a sense of responsibility and pride in young voters.

Remember, every vote counts, even in uncontested elections. Let's strengthen our democratic fabric by encouraging active participation!



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*Thank you, Time Out !*

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- Click on - Start Quiz
- Attempt all questions (You can attempt or leave)

- After Attempting Last Question.
  - Enter Name & Email
  - Click on - Check Result
  - Scroll down - Check out Solutions too.
- Thank you.

Loading ...



1 / 5

Category: General Studies

***Which recent Lok Sabha constituency witnessed an unopposed election victory for the BJP candidate?***

- Varanasi
- Surat
- Amethi
- Jaipur

Prev

Finish

Next

2 / 5

Category: General Studies

***How does the concept of competition in public procurement relate to unopposed elections?***

- Both emphasize voter participation
- Both highlight the need for comprehensive reforms
- Both ensure fairness and transparency
- Both address the concentration of power

Prev

Finish

Next

3 / 5

Category: General Studies

**Which Act outlines procedures for elections but lacks provisions for situations with no candidates or elector boycotts?**

- Representation of the People Act, 1951
- Election Commission Act, 1991
- Conduct of Election Rules, 1961
- General Financial Rules (GFRs)

Prev

Finish

Next

4 / 5

Category: **General Studies**

**What legal provision permits unopposed elections in India?**

- Article 324 of the Constitution
- Rule 11 of the Conduct of Election Rules, 1961
- Section 53 of The Representation of the People Act, 1951
- Article 19 of the Constitution

Prev

Finish

Next

5 / 5

Category: **General Studies**

**What is the paradox associated with unopposed elections?**

- Voters have no role in the process
- Candidates are disqualified without a fair process
- Electors are entirely sidelined from selecting representatives
- Election Commission lacks obligations

Prev

Finish

*Check Rank, Result Now and enter correct email as you will get Solutions in the email as well for future use!*

Check the Result

Your score is

0%

Restart quiz

***Please Rate!***

Send feedback

## ***Mains Questions:***

# **Below Mains Question**

Write in Comment Section



### ***Question 1:***

***What is the process for declaring a candidate elected unopposed in Indian elections? Explain***

## ***the legal provisions and the role of returning officers. (250 words)***

### ***Model Answer:***

- **Legal Provisions:** The Representation of the People Act (RPA), 1951, governs the procedure for uncontested elections. Section 53(3) of the Act states that if the number of candidates remaining after the withdrawal of nominations is less than the number of seats to be filled, the returning officer (RO) declares the remaining candidate(s) elected without the need for polling.
- **Role of Returning Officers:** The RO ensures that the nomination papers are valid and that the electoral roll numbers and names match those entered in the electoral rolls. If only one candidate remains after withdrawals, the RO announces their election immediately after the withdrawal deadline. In such cases, no poll is necessary.
- **Publicizing Details:** Candidates elected unopposed, especially those with criminal antecedents, must publicize their details as per the prescribed format and timeline.

### ***Question 2:***

***Explain the concept of “None of the Above” (NOTA) in Indian elections. How does it impact the electoral process, and what role does it play in maintaining voter secrecy?(250 words)***

## ***Model Answer:***

- **NOTA Option:** NOTA allows voters to express their disapproval of all candidates contesting an election. Introduced through the Supreme Court’s intervention in 2013, it is available on electronic voting machines (EVMs).
- **Voter Secrecy:** NOTA protects the voter’s right to secrecy. By choosing NOTA, a voter can indicate dissatisfaction with the available choices without revealing their preference.
- **Exclusion from Valid Votes:** NOTA votes are not considered while calculating the total valid votes polled for the return of the security deposit. The candidate with the highest actual votes still wins, regardless of NOTA votes.
- **Local Bodies Elections:** In some states like Maharashtra, NOTA is treated as a fictional candidate. If NOTA receives the highest votes, a re-poll may be arranged.

***Remember: These are just sample answers. It’s important to further research and refine your responses based on your own understanding and perspective. Read entire UPSC Current Affairs.***

**Relevance to the UPSC Prelims and Mains syllabus under the following topics:**



## **Prelims:**

- **GS Paper I: Polity:** The topic of unopposed candidate elections falls under the Indian Polity and Governance section. Specifically, it relates to the Representation of the People Act (RPA), 1951, which governs the electoral process in India. Candidates preparing for the UPSC Prelims should be aware of the legal provisions regarding uncontested elections, including the criteria for declaring a candidate elected unopposed.

## **Mains:**

- **General Studies Paper II (Indian Polity and Governance):** In the UPSC Mains examination, the topic of unopposed candidate elections can be

relevant for the General Studies Paper II (Indian Polity and Governance).

- Candidates may encounter questions related to the legal framework, electoral procedures, and the significance of uncontested elections.
- Understanding the provisions of Section 53(3) of the RPA, the role of returning officers, and the concept of NOTA (None of the Above) is essential for Mains preparation.



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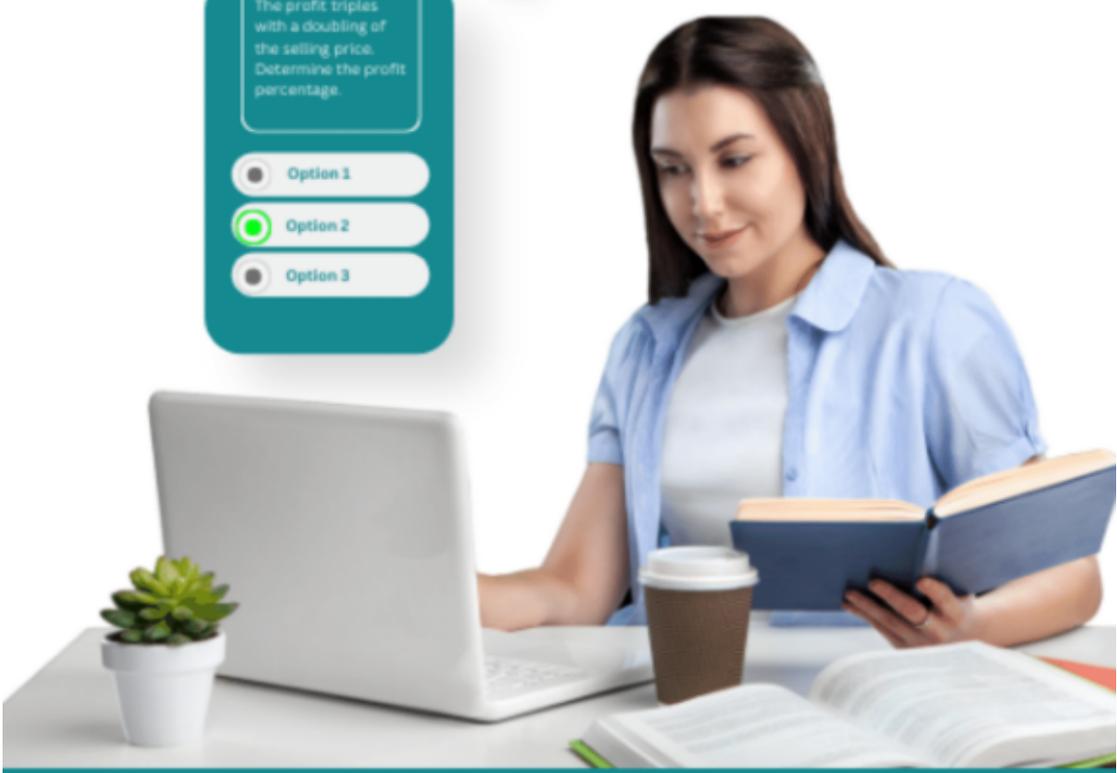
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The profit triples with a doubling of the selling price. Determine the profit percentage.

Option 1

Option 2

Option 3



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