

## STATE ELECTION COMMISSION

3<sup>rd</sup> Floor, Buddha Bhavan, M.G. Road, Hyderabad-500003, A.P.

### CIRCULAR

**No.1002/SEC-B2/2013**

**Date: 11.7.2013**

Sub: State Election Commission – 4<sup>th</sup> Ordinary elections to Gram Panchayats – Clarifications sought with regard to election of Upa-Sarpanch – Clarified – Reg.

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Some of the District Panchayat Officers are seeking clarification on the following points with regard to election of Upa-Sarpanch:

- 1) In case of unanimous election to the entire body in a Gram Panchayat, whether election of Upa-Sarpanch can be conducted immediately after declaration of results on 17.07.2013 after 3:00 PM, i.e., the outer limit for withdrawal of candidature?
- 2) Whether Upa-Sarpanch election can be conducted where election could not be held to some of the wards in a Gram Panchayat due to non-receipt of nominations?

The above two points are clarified hereunder.

#### **Clarification on Point No. 1 above:**

**Section 14(10) of the A.P. Panchayat Raj Act, 1994** reads as under:

*A special meeting for the election of the Upa-Sarpanch shall be called **on the same date on which the results of the ordinary elections to the Gram Panchayat have been published.** The notice of the meeting for election of Upa-Sarpanch shall be given to the members so elected by affixture of the same on the notice board at the office of the Gram Panchayat, immediately after such publication:*

*Provided that if, for any reason, the election of the Upa-Sarpanch is not held on the date aforesaid the special meeting for the election of the Upa-Sarpanch shall be held on the next day, whether or not it is a holiday observed by the Gram Panchayat;*

*Provided further that the State Election Commission may, from time to time, for reasons to be recorded in writing direct or permit the holding of the election of the Upa-Sarpanch on any other day.*

Rule 16 of A.P. Panchayat Raj (Conduct of Election) Rules, 2006, which deals with uncontested election (unanimous), reads as under:

**16. Declaration of Result of Uncontested Election:** (1) *If the number of contesting candidates is more than one, poll shall be taken.*

(2) *If there is only one validly nominated candidate, the Returning Officer shall **forthwith declare such candidate is duly elected in Form-X** and send the same to the State Election Commission, Election Authority and the District Election Authority.*

As per the election programme notified by the State Election Commission, the last date for withdrawal of candidature is 17.07.2013 upto 3:00 PM and the list of contesting candidates will be finalised after 3:00 PM on 17.07.2013. Immediately after finalising the number of candidates in the contest on 17.07.2013, if there is uncontested election (unanimous) for all the offices of Sarpanch and Ward members (entire body) in a Gram Panchayat, the Upa-Sarpanch election shall be held on the same day, i.e., on 17.07.2013 immediately after declaration of result of unanimous election. Further, if for any reason Upa-Sarpanch election is not held on 17.07.2013 due to non-fulfilment of quorum or other reasons, it shall be held on the next day, i.e., on 18.07.2013 at 11:00 AM by the Returning Officer concerned. Further, if Upa-Sarpanch election could not be held on the said two dates, i.e. on 17.07.2013 and 18.07.2013, the matter shall be reported to the State Election Commission to give a fresh notification indicating a date for the election of Upa-Sarpanch.

**Clarification on Point No. 2 above:**

As per the proviso under **Section 14(9) of the A.P. Panchayat Raj Act, 1994**, before the election of Upa-Sarpanch is held, every casual vacancy of elected member of a Gram Panchayat shall be filled.

The elections are now being held for ordinary vacancies of Sarpanch and Ward Members. They are not casual vacancies. In view of this, if election is not held to any seat of Sarpanch or Ward Member in any Gram Panchayat during the ongoing elections, it shall be considered as an ordinary vacancy.

In view of the position explained above, election of Upa-Sarpanch shall be held after declaration of results on 23.07.2013, 27.07.2013 and 31.07.2013 even if there is any ordinary vacancy of Ward Member or Sarpanch in any Gram Panchayat (due to non-receipt of nominations) subject to the condition that the quorum for convening the meeting for election of Upa-Sarpanch, which is half of the total number of elected members including Sarpanch, is fulfilled. This means, if the number of offices of Sarpanch and Ward Members or Ward Members only for which results are declared is more than the quorum, election of Upa-Sarpanch can be held as the vacancies left over are ordinary vacancies.

**Example:** In a Gram Panchayat having a population of not exceeding 5,000, the number of elected Ward Members and Sarpanch shall be 12+1=13. In such a Gram Panchayat, if election is completed to 7 Ward Members or 6 Ward Members and Sarpanch, the election of Upa-Sarpanch can be conducted.

**Sd/- Navin Mittal  
Secretary**

To  
**All the Collectors & District Election Authorities.  
All the District Panchayat Officers.**

**// Attested //**

  
**Joint Secretary**