

STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M.G. Road, Hyderabad-500003, A.P.

CIRCULAR

No. 877/SEC-B2/2013

Date: 16.7.2013

Sub: State Election Commission – 4th ordinary elections to Gram Panchayats – Certain clarifications regarding eligibility of candidates – Reg.

Some of the Observers, Collectors & DEAs, DPOs and RDOs requested the State Election Commission to issue clarifications on the following points so as to enable the Appellate Authorities (RDOs) to take appropriate decisions on the appeals pending before them.

1. Whether a candidate is to be disqualified, if he/she fails to file a declaration along with Nomination on account of election expenditure in the format given by the Commission?
2. Whether a candidate can contest for both the offices of Sarpanch and Ward Member?
3. Whether the same person can propose two candidates?

The above points are answered hereunder.

Clarification on Point No.1:

The declaration regarding account of election expenditure is prescribed by the Commission to make the candidates aware of the provisions relating to election expenditure and also to maintain accounts in the manner prescribed not exceeding the ceiling limits. However, neither A.P.P.R. Act, 1994 nor in the A.P.P.R. (Conduct of Election) Rules, 2006 prescribe such a declaration. Thus, it has no statutory basis. In view of this, the candidates who failed to file this declaration may be allowed to contest by allowing the appeal filed before the Appellate Authorities challenging rejection on that ground. However, a declaration may be obtained now from the candidates.

(PTO)

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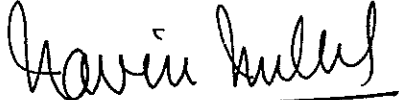
Clarification on Point No.2:

There is no objection if a candidate contests for offices of Sarpanch and Ward Member of a Gram Panchayat. If such a candidate is elected to both the offices under Section 234(3) of A.P.P.R. Act, 1994, he/she has to retain one and vacate the other within 15 days from the date of election.

Clarification on Point No.3:

There is no statutory bar if a person proposes two candidates in two different sets of nomination papers.

The above clarifications are given only for the guidance of Appellate Authorities (RDOs). However, they have to take independent decisions as per law while dealing with appeals filed before them. It is further clarified that no appeal lies against the nomination accepted by the Returning Officer.


SECRETARY

To

The Collectors & DEAs.

The Revenue Divisional Officers & Appellate Authorities.

The District Panchayat Officers.

Copy to: **All Observers.**