

“Biennial Elections / Most Immediate”

“By Fax/e-mail/Post”

GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (ELECS.F) DEPARTMENT

MESSAGE

FROM : THE CHIEF ELECTORAL OFFICER, A.P., HYDERABAD.

TO THE COLLECTOR & D.E.Os
EAST GODAVARI, GUNTUR, KARIMNAGAR, VISAKHAPATNAM &
NALGONDA (w.e).

FAX MESSAGE No.257/ELECS.F/2013-7

DATED:24.01.2013.

BIENNIAL ELECTIONS TO THE A.P. LEGISLATIVE COUNCIL FROM GRADUATES' & TEACHERS' CONSTITUENCIES – NOTIFICATIONS WILL BE ISSUED ON 28.01.2013 (MONDAY) (.) THE RETURNING OFFICERS SHOULD ISSUE PUBLIC NOTICE OF ELECTION ON THE SAME DAY AS PRESCRIBED UNDER SECTION 31 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951 READ WITH RULE 3 OF THE CONDUCT OF ELECTIONS RULES 1961 IN FORM-I APPENDED TO THE SAID RULES (.) NOMINATIONS SHALL BE ACCEPTED FROM 28.01.2013 BETWEEN 11.00 A.M. TO 3.00 P.M. ONWARDS (.)

ACCORDING TO THE LATEST AMENDMENT TO THE REPRESENTATION OF THE PEOPLE ACT, 1951, SECURITY DEPOSIT FOR THE CANDIDATES CONTESTING ELECTIONS TO THE STATE LEGISLATIVE COUNCILS IS Rs.10,000/- AND Rs.5,000/- FOR CANDIDATES BELONGING TO SC/ST) (COPY ENCLOSED FOR READY REFERENCE).

PLEASE ARRANGE TO SEND A REPORT REGARDING PUBLICATION OF FORM-I NOTICE BY 13.00 HOURS ON 28.01.2013 (MONDAY) ALONG WITH A COPY OF FORM-I NOTICE BOTH IN **ENGLISH AND TELUGU** ISSUED BY THE R.O., TO THE JOINT CHIEF ELECTORAL OFFICER THROUGH FAX (Nos. 23454438 OR 23455781) (.)

INFORMATION ON THE FOLLOWING STAGES OF THE ELECTION SHOULD BE COMMUNICATED TO THE CHIEF ELECTORAL OFFICER BY FAX (FAX Nos. 23454438 OR 23455781) (.)

(P.T.O)

A) **DAILY REPORT:** EVERY DAY FROM 28.01.2013 TO 04.2.2013 IMMEDIATELY AFTER 3.00 P.M. THE NAMES OF ALL THOSE WHO FILED NOMINATIONS ON THE DAY (IF, NO NOMINATIONS ARE FILED 'NIL' REPORT) SHOULD BE COMMUNICATED IN THE PROFORMA PRESCRIBED i.e., IN FORM-3C (.)

B) **REPORT OF NOMINATIONS:** ON THE LAST DATE FOR FILING NOMINATIONS i.e., ON 04.02.2013 IN ADDITION TO DAILY REPORT IMMEDIATELY AFTER 3.00 P.M., THE NAMES OF ALL THOSE WHO HAVE FILED NOMINATIONS SHOULD BE COMMUNICATED IN THE PRESCRIBED FORM APPENDED AT PAGE 59 OF THE HAND BOOK FOR RETURNING OFFICERS FOR ELECTIONS TO THE COUNCIL OF STATES & STATE LEGISLATIVE COUNCILS, 1992 (REPRINT 1996) (.)

WHILE PREPARING THE CONSOLIDATED LIST OF NOMINATED CANDIDATES, THE GUIDELINES MENTIONED AT PARAS FROM 22.2 TO 22.4 OF CHAPTER-V OF THE SAID HAND BOOK SHOULD STRICTLY BE FOLLOWED (.)

C) **LIST OF VALID NOMINATIONS:** ON THE DAY OF SCRUTINY OF NOMINATIONS i.e., ON 5.02.2013 THE NAMES OF ALL THOSE WHOSE NOMINATIONS ARE FOUND VALID SHOULD BE COMMUNICATED IN FORM-4 (.) THE LIST OF NAMES OF ALL THOSE WHOSE NAMES HAVE BEEN REJECTED BY THE RETURNING OFFICER WITH THE REASONS FOR REJECTION, SHOULD ALSO BE ENCLOSED (.) THE NAMES SHALL BE ARRANGED IN ALPHABETICAL ORDER IN TELUGU UNDER THREE CATEGORIES AS IN THE CASE OF FORM-7B (.)

D) **LIST OF WITHDRAWALS:** ON THE LAST DAY OF WITHDRAWALS OF CANDIDATURES i.e., ON 7.02.2013, THE LIST OF CANDIDATES WHO HAVE WITHDRAWN THEIR CANDIDATURES SHOULD BE COMMUNICATED IN FORM-6 (.)

E) LIST OF CONTESTING CANDIDATES: ON THE LAST DAY OF WITHDRAWAL OF CANDIDATURES i.e., ON 7.02.2013 (THURSDAY), THE NAMES OF CONTESTING CANDIDATES WITH PARTY AFFILIATIONS, IF ANY, WITH CORRECT SPELLING IN FORM 7-B SHOULD BE COMMUNICATED (.) THE NAMES OF CONTESTING CANDIDATES IN FORM-7-B HAVE TO BE ARRANGED UNDER THREE CATEGORIES i.e., (i) CANDIDATES OF RECOGNISED NATIONAL AND STATE POLITICAL PARTIES; (ii) CANDIDATES OF REGISTERED, UN-RECOGNISED POLITICAL PARTIES AND (iii) OTHER (INDEPENDENT) CANDIDATES (.) THE NAMES OF CANDIDATES HAVE TO BE ARRANGED IN THE SAID LIST AND ALSO ON THE BALLOT PAPERS IN THE SAME ORDER UNDER THESE CATEGORIES AND THE NAMES HAVE TO BE ARRANGED IN TELUGU ALPHABETICAL ORDER IN EACH OF THE ABOVE MENTIONED THREE CATEGORIES SEPARATELY (.) TRANSLATED VERSION OF FORM-7B IN ENGLISH SHALL ALSO BE COMMUNICATED (.)

THE LIST IN FORM-7B HAS TO BE PREPARED BOTH IN TELUGU AND ENGLISH FOR DISPLAYING ON THE NOTICE BOARD OF THE OFFICE OF THE RETURNING OFFICER AND AT OTHER PLACES WHERE IT IS CONSIDERED NECESSARY BY THE RETURNING OFFICER (.) THREE COPIES EACH IN TELUGU AND ENGLISH SHALL BE SENT THROUGH A RESPONSIBLE OFFICER TO REACH THE CHIEF ELECTORAL OFFICER'S OFFICE ON THE SAME NIGHT (.) THE NAMES OF THE POLITICAL PARTIES SHALL BE CORRECTLY INDICATED IN THE SAID FORM (.) IT IS ALSO NECESSARY TO PREPARE THE LIST OF CONTESTING CANDIDATES EVEN IN THE CASE OF UN-CONTESTED ELECTION AND PUBLISH IT ON THE NOTICE BOARD OF THE OFFICE OF THE RETURNING OFFICER BUT IT WILL NOT BE NECESSARY TO PUBLISH IT IN THE GAZETTE OF ANDHRA PRADESH (.)

(P.T.O)


-:4:-

KINDLY ENSURE THAT THE COMPLETE ADDRESSES OF THE CANDIDATES ARE INDICATED CORRECTLY IN THE LISTS OF VALIDLY NOMINATED AND CONTESTING CANDIDATES (.)

INTIMATE THE TOTAL NUMBER OF VOTERS AND POLLING STATIONS IN THE CONSTITUENCY AS ON THE LAST DATE OF FILING OF NOMINATIONS i.e., 4.2.2013 (.)

THE LIST OF CONTESTING CANDIDATES IN FORM-7B IN ORIGINAL **FOUR SETS** IN EACH LANGUAGE (TELUGU & ENGLISH) SHOULD BE SENT TO THE CEO'S OFFICE AND ONE COPY IN ENGLISH TO THE E.C.I. (.)

KINDLY ALSO ARRANGE TO FURNISH ALL THE REPORTS AND RETURNS PROMPTLY ON DUE DATES (.)


for CHIEF ELECTORAL OFFICER &
E.O. PRL., SECRETARY TO GOVERNMENT
A/c

Copy to:

The Collector & D.E.Os of West Godavari, Krishna, Medak, Nizamabad, Adilabad, Srikakulam, Vizianagaram, Warangal & Khammam Districts (w.es.)
All the Returning Officers, Graduates' & Teachers' Constituencies
through the Dist. Collector & DEOs concerned (w.es)

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/1/2009/SDR

Dated: 17th March, 2010

To

The Chief Electoral Officers of
all States and Union Territories

Subject: The Representation of the People (Amendment) Act, 2009
regarding.

Sir/Madam,

I am directed to forward herewith a copy each of the Representation of the People (Amendment) Act, 2009 as published in an Extraordinary issue of the Gazette of India dated 23rd December, 2009 alongwith the Notification of the Ministry of Law and Justice appointing the 1st February, 2010 as the date on which the provisions of the said Amendment Act have come into force.

2. It may be noted that by this Amendment Act, Section 24 (relating to appellate authority) of the Representation of the People Act, 1950, and Sections 8A (relating to disqualification on corrupt practices), 34 (relating to security deposit), 123(7) (relating to the corrupt practice of obtaining assistance of government servants) of Representation of the People Act 1951 have been amended. In addition, two new Sections 126A and 126B (relating to restrictions on Exit Polls) have been inserted in the Act.


3. The important consequences of the amendments are following:

- (i) Appeal against the order of the Electoral Registration Officer (during continuous updation) under Section 22 or 23 of the Representation of the People Act, 1950 will now lie before the DM/ADM/ Executive Magistrate/District Collector. A further appeal against the order of DM/Collector will now lie before the Chief Electoral Officer of the State. The corresponding amendment to (Rule 27) the Registration of Electors' Rules,

1960 is yet to be carried out. As and when the amendment is made and notified you will be informed accordingly.

- (ii) Security deposit for the candidates has been increased to Rs. 25,000/- for Lok Sabha election and Rs. 10,000/- for Assembly election (the rate being half this amount for candidates belonging to SC/ST). Consequently the security deposit for candidates contesting elections to the Council of States and State Legislative Councils will be Rs. 10,000/- and Rs 5,000/- for candidates belonging to SC/ST. (vide Section 39 of Representation of the People Act, 1951).
 - (iii) Conducting exit polls and publishing/publicizing/disseminating results of exit polls in any manner would be prohibited during the period specified in the new Section 126A. The Commission will issue specific instructions notifying such period during the elections.
4. The provisions of the Representation of the People (Amendment) Act, 2009, may be brought to the notice of all election authorities in your State/Union Territory for their information and compliance. All political parties in your State/Union Territory may also be informed accordingly.
5. Kindly acknowledge receipt.

Yours faithfully,



(Ashish Chakraborty)
Under Secretary

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 48] नई दिल्ली, बुधवार, दिसम्बर 23, 2009 / पौष 2, 1931
No. 48] NEW DELHI, WEDNESDAY, DECEMBER 23, 2009 / PAUSA 2, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 23rd December, 2009/Pausa 2, 1931 (Saka)

The following Act of Parliament received the assent of the President on the 22nd December, 2009, and is hereby published for general information:—

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 2009

No. 41 OF 2009

[22nd December, 2009]

An Act further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- (1) This Act may be called the Representation of the People (Amendment) Act, 2009.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

CHAPTER II

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1950

2. In section 24 of the Representation of the People Act, 1950,—

(i) in clause (a), for the words “chief electoral officer”, the words “district magistrate or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank” shall be substituted;

Amendment of section 24.

(ii) after clause (a), the following clause shall be inserted, namely:—

“(b) to the chief electoral officer, from any order of the district magistrate or the additional district magistrate under clause (a).”

Amendment of the Second Schedule.

3. In the Second Schedule to the Representation of the People Act, 1950, against serial number 18 relating to the State of Mizoram, in column 7, for the entry “38”, the entry “39” shall be substituted. 43 of 1950.

CHAPTER III

AMENDMENTS TO THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amendment of section 8A.

4. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in sub-section (1) of section 8A, for the words “as soon as may be after such order takes effect”, the words “as soon as may be within a period of three months from the date such order takes effect” shall be substituted. 43 of 1951.

Amendment of section 34.

5. In section 34 of the principal Act, in sub-section (1),—

(i) in clause (a), for the words “a sum of ten thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees”, the words “a sum of twenty-five thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of twelve thousand five hundred rupees” shall be substituted;

(ii) in clause (b), for the words “a sum of five thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of two thousand five hundred rupees”, the words “a sum of ten thousand rupees or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five thousand rupees” shall be substituted.

Amendment of section 123.

6. In section 123 of the principal Act, in clause (7),—

(i) for the words “from any person in the service of the Government”, the words “from any person whether or not in the service of the Government” shall be substituted;

(ii) after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) class of persons in the service of a local authority, university, government company or institution or concern or undertaking appointed or deputed by the Election Commission in connection with the conduct of elections.”

Insertion of new sections 126A and 126B

7. After section 126 of the principal Act, the following sections shall be inserted, namely:—

Restriction on publication and dissemination of result of exit polls, etc.

‘126A. (1) No person shall conduct any exit poll and publish or publicise by means of the print or electronic media or disseminate in any other manner, whatsoever, the result of any exit poll during such period, as may be notified by the Election Commission in this regard.

(2) For the purposes of sub-section (1), the Election Commission shall, by a general order, notify the date and time having due regard to the following, namely:—

(a) in case of a general election, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the poll in all the States and Union territories;

(b) in case of a bye-election or a number of bye-elections held together, the period may commence from the beginning of the hours fixed for poll on and from the first day of poll and continue till half an hour after closing of the poll:

Provided that in case of a number of bye-elections held together on different days, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the last poll.

(3) Any person who contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Explanation.— For the purposes of this section,—

(a) “exit poll” means an opinion survey respecting how electors have voted at an election or respecting how all the electors have performed with regard to the identification of a political party or candidate in an election;

(b) “electronic media” includes internet, radio and television including Internet Protocol Television, satellite, terrestrial or cable channels, mobile and such other media either owned by the Government or private person or by both;

(c) “print media” includes any newspaper, magazine or periodical, poster, placard, handbill or any other document;

(d) “dissemination” includes publication in any “print media” or broadcast or display on any electronic media.

126B. (1) Where an offence under sub-section (2) of section 126A has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offences by
companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

V. K. BHASIN,
Secy. to the Govt. of India.

FORM 1
(See rule 3)
NOTICE OF ELECTION

Notice is hereby given that:—

(1) an election is to be held of a member to the Andhra Pradesh Legislative Council in the Constituency;

(2) nomination papers may be delivered by a candidate or by any of his proposers to the Returning Officer or to Assistant Returning Officer, at..... between 11 A.M. and 3 P.M. on any day (other than public holiday) not later than the

(3) forms of nomination paper may be obtained at the place and time aforesaid;

(4) the nomination papers will be taken up for scrutiny at on.....at.....;

(5) notice of withdrawal of candidature may be delivered either by a candidate or by any of his proposers or by his election agent who has been authorised in writing by the candidate to deliver it to either of the officers specified in paragraph (2) above at his office before 3 P.M. on the.....;

(6) in the event of the election being contested, the poll will be taken onbetween the hours of..... and.....

Place.....
Date.....

Returning Officer