

OFFICE OF THE CHIEF ELECTORAL OFFICER, TELANGANA

5th Floor, North Block, Buddha Bhavan, Secunderabad -500 003.

Memo. No.182/Elecs.D/2021-18,

Dated:13.02.2021.

Sub:- Elections - Biennial Elections to Telangana State Legislative Council, 2021 from (2) Graduates' Constituencies - Certain Instructions on Nominations etc., — Reg.

Ref:- ECI Press Note, No.322/ECI/LET/FUNC/TL-LC-G&T/BIEN/2021, dated: 11.02.2021

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The Collectors & District Election Officers noted in the address entry and the Commissioner, GHMC & DEO, Hyderabad are informed that ECI has announced the schedule for Biennial Elections to Telangana State Legislative Council, 2021 from Warangal-Khammam-Nalgonda and Mahabubnagar - Ranga Reddy-Hyderabad Graduates' Constituencies vide reference cited. The Returning Officer should issue public Notice of Election **on 16.02.2021(Tuesday)** 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 **16.02.2021(Tuesday)** onwards between 11.00 a.m. to 3.00 p.m. and arrange to send a report regarding publication of **Form-I** Notice by 13.00 hours **on 16.02.2021 (Tuesday)** along with a copy of **Form-I** Notice both in English and Telugu issued by the R.O. to this office.

2. The District Election Officers concerned are informed that at the time of filing nominations by the candidates, the Returning Officer should follow the instructions as mentioned in the **Hand Book for Returning Officer, 2016 for Elections to the Council of States & State Legislative Council** as detailed below:

Issue of Public Notice by the Returning Officer

3. As per the Hand Book for R.O., 2016 at para 6.1 immediately after such notification, the R.Os. are required to issue a public notice of the election under section 31 of the Representation of the People Act, 1951 read with rule 3 of the Conduct of Elections Rules, 1961. The notice will be issued in **Form I** appended to the said rules.

4. As per the Hand Book for R.O., 2016 at para 6.2 in the public notice, you have to specify, among other thing, the name(s) of the Assistant Returning Officer(s) who will also receive nomination papers, in addition to the R.O. and also the place(s) at which the nomination papers shall be received by the R.O. and the specified Asst. Returning Officer(s). Normally, R.O. should not specify more than one Asst. Returning Officer for the purpose and he should as far as possible be the one stationed at R.O. headquarter.

5. As per the Hand Book for R.O., 2016 at para 6.3 the public notice shall be published in the following manner: (i) It shall be in Form-1 appended to the Conduct of Elections Rules, 1961 and shall be published on the same date on which the notification of election is published. (iii) The notice shall be published in English & Telugu on the notice board of the R.O. office and at such other places as the R.O. may consider necessary for giving wide publicity to it including offices of Panchayat Samities, Gram Panchayats, etc.

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Public Holiday — Effect on Election Programme:

6. As per the Hand Book for R.O., 2016 at para 7.1 a candidate may present his nomination paper on the very day of the notice, or any of the seven days following that day unless any of these days is a public holiday.
7. As per HB for RO, 2016 at para 7.2 in case the last date for filing nominations or the date of scrutiny of nominations or the last date for withdrawal of candidatures is declared a public holiday under the Negotiable Instruments Act, 1881, due to some reasons after the issue of notifications, the fact may be brought to the notice of the Chief Electoral Officer and the Election Commission immediately. The last date for filing nominations or the date of scrutiny of nominations or the last date for withdrawal of candidatures and other dates will be amended by the Commission as necessary. If the date fixed for the scrutiny of nominations is declared a public holiday under the Negotiable Instruments Act, 1881 the scrutiny will be held on the next succeeding day which is not a public holiday.
8. As per HB for RO, 2016 at para 7.3 similarly, if the last date for making nominations or the withdrawal of candidatures is declared a public holiday, the nomination papers or, as the case may be, notices of withdrawal of candidatures filed on the next working day should be accepted.
9. As per HB for RO, 2016 at para 7.4 the R.O. will bear in mind that the **second or fourth Saturdays** of a month or all Saturdays of the month where these are observed as holidays for government offices are not to be treated as "public holidays" under the Negotiable Instruments Act, 1881, unless the same are specifically declared as such holidays under that Act. (ECI Vide Lr. No.322/ECI/LET/FUNC/TL-LC/BIEN/2019, Dt. 21.2.2019 clarified that on 2nd & 4th Saturday R.O. shall not accept nominations.)

Nomination Papers — Required Documents:

10. As per HB for RO, 2016 at para 9.3 for election to the State Legislative Council from Council Constituencies:
 - (i) **Form-2E** appended to the Conduct of Elections Rules, 1961.
 - (ii) Security Deposit — Rs. 10,000/- or Rs. 5,000/- in case of SC/ST (proof of SC/ST shall be produced)
 - (iii) No. of Proposers: At least 10% of total electors or ten electors whichever is less for candidates set up by recognized party, and ten electors in the case for other candidates.
 - (iv) Oath or Affirmation
 - (v) Affidavit in Form 26, appended to the CE Rules 1961.
 - (vi) Documentary evidence regarding elector in an Assembly Constituency of that State.
 - vii) Form 'AA' and 'BB' (in case of candidate of a Political Party)