

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 4/2009/SDR/

Dated: 31st March, 2009

To

The Chief Electoral Officer,
Bihar,
Patna.

Sub: Clarification regarding communication of names of leaders of political parties for the purposes of Section 77(1) of the Representation of the People Act, 1951

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Sir,

With reference to your letter No. B1-3-69/2009-3248 dated 29th March, 2009, in the above matter, the issues raised by you are clarified as under:-

- (i) If a political party submits the list of leaders either to the Commission or to the CEO within the prescribed period of 7 days from the date of Notification of election, it is treated as substantial compliance with the provisions of Explanation-2 under Section-77(1), as the CEO is also an officer of the Commission.
- (ii) If the list of leaders is submitted any time after the announcement of election schedule by the Commission, the same can be accepted as valid, even if it is submitted before the date of Notification of election.
- (iii) After the list of leaders is validly submitted, any change/substitution of name in the list can be accepted provided it is made within 7 days from the date of Notification. Any change after this period can be made only on the grounds mentioned in the proviso to Explanation-2 (i.e. in the event of death of any of the persons mentioned in the list or if any person ceases to be a member of the party).

- (iv) The list of leaders has to be submitted from the **central/registered office of the party** and not from the State/local units of the party.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

Copy together with a copy of the Chief Electoral Officer, Bihar's and other under reply, forwarded to all other CEOs of the States/UTs.