

# भारत निर्वाचन आयोग

## ELECTION COMMISSION OF INDIA

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निर्वाचन सदन,  
अशोक रोड, नई दिल्ली-110001.  
Nirvachan Sadan,  
Ashoka Road, New Delhi-110001.

F.No.464/INST/2013-EPS

Dated 9<sup>th</sup> January, 2014

To

The Chief Electoral Officer of  
All the States and Union Territories.

Subject: Preparation of Due-Constitution Notification – Regarding.

Madam / Sir,

As you are aware, the Section 73 of the Representation of the People Act, 1951 (43 of 1951) provides that during a general election held to constitute a new House of the People or a new State Legislative Assembly, soon after the declaration of results of the elections in all the constituencies by the Returning Officers (where poll could take place and time for completion of the election has not been extended), the Election Commission is required to notify the names of the members elected for those constituencies in the Official Gazette and upon issue of such notification, the House or Assembly is deemed to be duly constituted.

2. Therefore, it is of utmost importance that endeavours are made to prepare an error-free notification. In the past, instances of glaring mistakes in preparation of Form 21C (under Rule 64 of the Conduct of Elections Rules, 1961) have come to the Commission's notice. To do away with such eventuality and to standardize the process, the tasks and the corresponding responsible officers are delineated below:

- i. While preparing the Form 21C, the Returning Officers should ensure that:
  - a. The name of the constituency is in accordance with the latest Delimitation Order.
  - b. The name and address of the elected candidate are same as those mentioned in the Form 7A.
  - c. The name of the sponsoring party is as per the latest notification on political parties and election symbols.

- d. The ink-signed Form 21C with the seal of the Returning Officer should be sent to the Office of the Chief Electoral Officer with a certificate that the above have been adhered to.
  - e. The Returning Officer will be accountable for any lapse in the process.
- II. In the Office of the Chief Electoral Officer:
- a. There should be a Nodal Officer who would oversee the process and will be held accountable for any lapse.
  - b. All the Form 21C should be compiled and cross-checked on the parameters mentioned at I (a), (b) and (c) above.
  - c. The compiled Form 21C should be sent to the Commission by the fastest means alongwith a certificate that those are error-free.
- III. The Section in the Commission dealing with the preparation of notification should cross-check the Form 21C on the parameters mentioned at I (a), (b) and (c) above.

Please acknowledge receipt of the letter.

Yours faithfully,

  
(SUMIT MUKHERJEE)  
SECRETARY

Copy to all the Director / Principal Secretary / Secretary / Under Secretary / Zonal Section.