

# ELECTION COMMISSION OF INDIA

By e-mail/Speed Post

Nirvachan Sadan, Ashok Road, New Delhi-110 001

No 4/2016-SDR

Dated: 21/04/2016

To,

The Chief Electoral Officer  
Kerala  
Thiruvananthapuram

Sub:- Bank Holiday on 23/04/2016-Receiving of Nomination-Clarification.  
Sir,

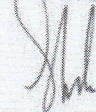
I am directed to refer to your letter No. 2135/EL3/2016/Elec. dated 19/04/2016 seeking clarification as to whether nomination paper for the General Election to Kerala Legislative Assembly, 2016 can be received on the fourth Saturday which has been declared holiday for Banks under Section 25 of the Negotiable Instruments Act 1881 as notified by the Finance Ministry, Govt. of India vide Notification dated 20/08/2015.

2. The second proviso under Section 33(1) of the Representation of the People Act, 1951 provides that no nomination paper shall be delivered to Returning Officer on a day which is a public holiday. Under Section 2(4) of the Representation of the People Act, 1951, "public holiday" is defined as any day which is a public holiday for the purposes of Section 25 of Negotiable Instruments Act, 1881.

In view of the above legal position, it is clarified that returning officers should not receive any nomination paper on 2<sup>nd</sup> and 4<sup>th</sup> Saturdays which have been declared as holidays for Banks under Section 25 of the Negotiable Instrument Act 1881 by the Finance Ministry, Govt. of India vide their Notification dated 20/08/2015. The same may be informed to all returning officers in the State, urgently.

Kindly acknowledge receipt.

Yours faithfully,



(N.T. Bhutia)

Under Secretary

Copy to the CEOs of Tamil Nadu and Puducherry with request to instruct the Returning officers the about the above clarification for strict compliance.