

ELECTIONS / URGENT

TELANGANA STATE ELECTION COMMISSION
1st Floor, DTCP Building, Opp: PTI Building, A.C.Guards, Hyderabad – 500 004.

PRESS NOTE

Date:08.01.2019

The State Election Commission issued notification on 1st January, 2019 for conduct of Ordinary elections to Gram Panchayats.

It is being reported in the media that, in some places the posts of sarpanch and ward members are auctioned in public.

Auctioning of posts is a corrupt practice under Sec. 211(1) of the Telangana Panchayat Raj Act, 2018. This is also an electoral malpractice under Sec. 171-B and 171-E of the Indian Penal Code, 1860 and in conviction the offender is liable to one year imprisonment and disqualification to contest elections for a period of six years.

If the election offences are proved by the election tribunal, the elected representatives will also be disqualified from the post elected.

The Commission issued instructions to the Collectors and District Police officials to take prompt action to file FIR and launch prosecution against the persons involved in auctioning of posts under the sections referred above.

The State Election Commission will cancel the unanimous election where there is prima facie case of bribing/ undue influence is involved for unanimous election or posts are auctioned and re-notify election a fresh in such Gram Panchayats.

A Notification in this regard is issued by the State Election Commission (copy enclosed).



Secretary

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1st Floor, DTCP Building, Opp: PTI Building, A.C.Guards, Hyderabad – 500 004.

NOTIFICATION

No.103/TSEC-PR/2019

Date:08.01.2019

Whereas, in reference No. 363/TSEC-PR/2018, dated 01.01.2019 the State Election Commission issued Notification for conduct of ordinary elections to Gram Panchayats, 2019 in the State.

And whereas, it is being reported by the election authorities and in the media that in some places the posts of Sarpanch and Ward members are auctioned in public.

And whereas, auctioning of posts amounts to a corrupt practice under Sec. 211(1) of the Telangana Panchayat Raj Act, 2018. This is also a criminal offence under Sec. 171-B and 171-E of the Indian Penal Code, 1860 punishable with imprisonment for one year and fine, besides disqualification to contest elections for a period of six years.

And whereas, the auctioning of posts subverts the democratic election process by denying freedom of choice to voters besides excluding many potential candidates from the contest on financial grounds. This practice if allowed could lead to imposition of tyranny of a few over majority of the people.

And whereas, the State Election Commission is vested with the responsibility of conducting the elections in a free and fair manner.

Now, therefore, in exercise of powers conferred under Article 243K of the Constitution of India and Section 197(1) of the Telangana Panchayat Raj Act, 2018, the State Election Commission hereby issues the following directions to foil the evil designs of vested interests to manipulate the electing process by indulging in auctioning of posts:

1. A Special Cell shall be opened in the district by the District Collector and District Election Authority to scan the complaints received and reports

published in the Press and Electronic Media about alleged incidents of auctioning of posts and to cause an enquiry forthwith.

2. The Collectors and District Election Authorities and Superintends of Police/ Commissioners of Police/Deputy Commissioner of Police shall take prompt action to launch prosecution against the persons involved in auctioning of posts under relevant provisions of the law.
3. The Collectors & DEAs shall send a report to the General Observers and the State Election Commission wherever there is prima facie case of auctioning of posts.
4. **The Returning Officers concerned shall declare the result in case of unanimous election to the post of Sarpanch, Gram Panchayat only after obtaining clearance from the General Observer.**
5. In all such cases, the General Observers shall satisfy themselves on the voluntary nature of unanimous election before issuing clearance to declare results. In all cases where auctioning or use of undue influence is evidenced, the same should be reported to the State Election Commission for further instructions.

(BY AND ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

**Sd/- M. Ashok Kumar
Secretary**

To

All the Returning Officers through the C&DEAs

All the Collectors & District Election Authorities

All the General Observers for GP Elections through C&DEAs.

All superintendents of police/ Commissioners of Police/Deputy Commissioner of Police

All the District Panchayat Officers

Copy to

The Director General of Police, Telangana

The Commissioner of Panchayat Raj and Rural Employment & Election Authority
for follow up action.

// Attested //

M. Jayachandrababu
Joint Secretary