

ELECTION URGENT

WEST BENGAL STATE ELECTION COMMISSION
18, Sarojini Naidu Sarani
(Rawdon Street)
Kolkata-700017
Ph. No. 2280-5805; FAX- 2280-7373

No. 438-SEC/1C-1/2006

Date: 03.03.2015.

DIRECTION

In continuation of this Commission's Order No. 437-SEC/1C-1/2006 dated 03.03.2015 the Commission, keeping in view the provision of Rule 4 read with Rule 11 of the West Bengal Municipalities(Conduct of Elections) Rules, 1995 as amended, refers to the provision made under section 40 of the West Bengal Municipal Election Act 1994 as amended to the effect that (1) the nomination papers of candidates set up by the recognized National and State Political Parties are required to be subscribed by only one elector as proposer and (2) a nomination paper of other candidates to be subscribed by 10(ten) electors as proposers of that constituency(ward). In view of above, certain clarifications were sought for from the Commission regarding setting up of candidates by Political Parties. Following clarifications are, therefore, given on the above issues: —

1) Nomination papers filed by a candidate claiming to have been set up by a recognized National or State Political Party subscribed by only one elector as proposer, will be rejected, if a notice in writing to that effect has not been delivered to the Returning Officer of the Constituency by an authorized office bearer of that political party by 3.00 PM on the last date for making nominations in Annexure I & II prescribed by the Commission for the purpose.

2) Sometimes a candidate may file more than one (but not more than four) nomination papers--some as candidate set up by a recognized political party and the others as candidate set up by a registered but unrecognized political party or as an independent candidate. In that case the nomination paper filed as a candidate of a recognized political party, if rejected, on the ground of the non-receipt of the said notice in Annexure I & II by 3.00 PM on the last date of filing nomination from the concerned recognized political party, or for any other reason, then the other nomination papers filed by the said candidates as a candidate set up by a registered unrecognized Political Party will be valid if the same are proposed by ten electors of that constituency(ward) and are otherwise found in order on scrutiny. In such a case, he would be deemed to be a candidate set up by a registered but un-recognised political party, if such party has sent notices in Annexure I & II by 3.00 P.M.

on the last date for making nominations or otherwise he will be treated as an independent candidate.

3) If a candidate has filed nomination paper with both part I & II thereof duly filled in and he fails to bring notice in Annexure I & II from the authorized office bearer of the concerned political party, the nomination paper may be accepted if part II is properly filled in and subscribed by ten electors as proposers of that constituency(ward).

4) If a candidate, who has filed his nomination paper as a candidate claiming to be set up by a registered but un-recognised political party, fails to bring in his favour a notice from the concerned political party in Annexure I & II, his nomination paper will be accepted only if it is subscribed by ten electors as proposer of that constituency (ward) but he would be deemed to be an independent candidate.

5) If among the nomination papers of a candidate, one nominating him as a candidate set up by a recognized political party and the other as an independent candidate, are accepted, he may be deemed to be a candidate set up by a recognized political party.

It must be noted that a State Party, which is recognized in some other States but not in West Bengal, shall be treated as registered but unrecognized political party.

It may also be noted that for the candidate set up by the recognized political party, nomination papers shall have to be subscribed by a single proposer and for other parties (registered but unrecognized and independent etc.) the nomination papers shall have to be subscribed by 10(ten) proposers of that constituency(ward).

By Order of the
• State Election Commissioner,
West Bengal State Election Commission


Secretary
West Bengal State Election Commission

No. 438/1(75)-SEC/1C-1/2006

Date : 03.03.2015.

Copy forwarded for information and necessary action to the:

- 1) The District Magistrate, South 24-Parganas and The District Municipal Election Officer for Kolkata Municipal Corporation
- 2) The District Municipal Election Officer & District Magistrate, Cooch Behar / Jalpaiguri / Darjeeling /Uttar Dinajpur / Dakshin Dinajpur / Malda / Murshidabad / North 24-Parganas/ Nadia / South 24-Parganas/ Howrah / Hooghly /Purba Medinipur / Paschim Medinipur / Bankura / Purulia / Burdwan / Birbhum.
- 3) Municipal Returning Officer & Sub-Divisional Officer
- 4) President / Chairman / General Secretary / Secretary

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Secretary
West Bengal State Election Commission