

ELECTION URGENT

WEST BENGAL STATE ELECTION COMMISSION
18, Sarojini Naidu Sarani
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Kolkata-700017
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No. 439-SEC/1C-1/2006

Date : 03.03.2013

DIRECTION

In continuation of this Commission's No. 438-SEC/1C-1/2006, dated 03.03.2013, I am directed to give certain clarifications regarding scrutiny of nomination papers of approved / substitute candidates set up by the recognized political parties as follows :

- 1) If 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.
- 2) The nomination paper of a substitute candidate of a recognized political party will be rejected if the nomination paper of the approved candidate of that recognized political party is accepted. However, if such substitute candidate has **also filled Part II of the nomination paper** or filed another nomination paper subscribed by 10(ten) electors as proposers of that constituency(ward), his nomination paper(s) will be scrutinized independently by treating the candidate as an independent candidate. Further, if the nomination paper of the approved candidate of the party is rejected, then also the nomination paper of the substitute candidate will be accepted, provided that the political party has intimated his name as its substitute candidate in Annexure I & II filled before 3.00 P.M. on the last date for making nominations.
- 3) A substitute candidate of a political party will step in only in the event of nomination of approved candidate being rejected on scrutiny or on the withdrawal of the candidature by the approved candidate (and if the nomination of the substitute candidate was otherwise valid and he is still in the field). If the nomination papers filed by both the approved and substitute candidates of a recognized National / State political party are accepted and found to be valid on scrutiny, the nomination of the substitute candidate shall be rejected, unless his nomination paper is subscribed by 10(ten) proposers of that constituency(ward) and if such substitute candidate does not withdraw his candidature, he will be treated as an independent candidate.
- 4) Political parties are, permitted to **cancel the authorization** in Annexure II given in favour of one candidate and give revised notice in Annexure II, in favour of another candidate subject to the following conditions namely:
 - a) Such revised notice in Annexure II canceling or **substituting** the authorization in earlier notice should clearly state that the earlier notice in favour of a candidate is rescinded and this revised notice should be received by the Returning Officer of the constituency concerned not later than 3.00 P.M. on the last date for making nominations;
 - b) Such revised notice in Annexure II is signed by the authorized Office bearer referred to in sub-rule 7 of Rule 11 of the West Bengal Municipalities(Conduct of Elections) Rules, 1995;

c) The Municipal Returning Officer is satisfied about the genuineness of the revised notice; and

d) The candidate in whose favour the revised notice has been given has already made a declaration in his nomination paper that he has been set up by the said political party.

5) If a political party submits notice in Annexure II in respect of more than one candidate for the same constituency and the party does not state in such notice / notices that the earlier notice(s) has / have been rescinded, then the notice in respect of the candidate whose nomination paper was first submitted shall be accepted and the remaining candidate(s) shall not be treated as candidate(s) set up by that political party.


Secretary

West Bengal State Election Commission

No. 439/1(75)-SEC/1C-1/2006

Date : 03.03.2015

Copy forwarded for information and necessary action to the:

- 1) The District Municipal Election Officer for Kolkata Municipal Corporation and District Magistrate, South 24-Parganas.
- 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


Secretary

West Bengal State Election Commission