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STATE ELECTION COMMISSION, ORISSA, TOSHALI PLAZA, BLOCK-B-2
1st FLOOR, SATYANAGAR, BHUBANESWAR

The 20th August 2008

No. 4411-SEC.

From

Shri F. C. Satapathy, Secretary

To

All District Magistrates

SUBJECT— Prior approval of State Election Commission before declaration of a single candidate elected uncontested to the office of the Councillor by the Election Officer.

Madam/Sir,

I am directed to invite a reference to sub-rule (a) of Rule 32 of Orissa Municipal (D.W., R.S. & C.E.) Rules, 1994 wherein it is laid down that “if there is only one candidate duly nominated for the office of the Councillor for any ward of the Municipality, the Election Officer shall declare such candidate to be duly elected”.

The State Election Commission feels that in many cases under the influence of mafia persons, other persons are afraid of filing nomination papers for the office of the Councillors. In some cases also the Election Officers reject the nominations of other candidates improperly in order to pave the way for a particular candidate to be declared elected. Similarly money and muscle power play a vital role to force the candidates for withdrawal of their candidatures after publication of the list of validly nominated candidates so as to leave only one person to be declared elected.

Hence in order to have free and fair election and for ends of justice in the coming General Election to Urban Local Bodies, the Commission by virtue of the powers vested in it in Article 243-ZA of the Constitution of India read with Section 11A of the Orissa Municipal Act, 1950 and Rule 78 of the Orissa Municipal (Delimitation of Wards, Reservation of Seats & Conduct of Election) Rules, 1994 directs that where there is only one candidate left for the office of the Councillor in the Urban election because of the rejection of nomination of other candidates or due to withdrawal of other candidates, or due to filing of nomination of one candidate to the office of the Councillor, the Election Officer should take prior approval of the State Election Commission before declaring the lone candidate elected.

The Election Officers of the U.L.Bs. situated in your district may please be suitably instructed accordingly.

Yours faithfully,

F. C. SATAPATHY

Secretary