

# The Orissa Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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No. 126 CUTTACK, MONDAY, FEBRUARY 2, 2009/MAGHA 13, 1930

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STATE ELECTION COMMISSION, ORISSA, TOSHALI PLAZA, BLOCK B-2  
1ST FLOOR, SATYANAGAR, BHUBANESWAR-751 007

ORDER

The 30th January 2009

No. 811-SEC.—Whereas, Additional District Magistrate, Cuttack-*cum*-Election Officer, Cuttack Municipal Corporation has sought for a clarification on exercise of franchise by an under trial prisoner under NSA and now lodged in Circle Jail, Cuttack at Choudwar ;

Whereas, neither the Orissa Municipal Corporation Act, 2003 and Orissa Municipal Act, 1950 nor the Orissa Municipal ( Division of City into Wards, Reservation of Seats and Conduct of Election) Rules, 2003 and Orissa Municipal(Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 has got any provision to allow an under trial prisoner to exercise his franchise ;

And whereas, Section 62 (5) of Representation of the People Act, 1951 provides that no person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or transportation or otherwise or in the lawful custody of the Police ;

Now, therefore, in exercise of powers conferred under Article 243-ZA of the Constitution of India, read with Section 62 (4) of the Orissa Municipal Corporation Act, 2003 and Rule 91 of the Orissa Municipal Corporation (Division of City into Wards, Reservation of Seats and Conduct of Election) Rules, 2003 and Section 11-A of Orissa Municipal Act, 1950, the State Election Commission, Orissa hereby directs that no person shall vote at any election if he/she is confined in a prison whether under a sentence of imprisonment or transportation or otherwise or in the lawful custody of the Police.

By order and in the name of  
State Election Commission, Orissa

F. C. SATAPATHY

Secretary