

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-10001.

No. ECI/PN/02/2010

Dated: 8th January, 2010

PRESS NOTE

Subject: Biennial Election to the Legislative Council of Uttar Pradesh from 35 Local Authorities Constituencies – regarding.

The Election Commission has decided that the counting of votes for 36 seats in 35 Local Authority constituencies in the Biennial Election to Uttar Pradesh Legislative Council elections shall be now held on 13.01.10. As per earlier directions, counting of votes was scheduled for 09.01.10. The Commission in its direction has stated that the counting had to be postponed by 4 days in view of the clarification sought from Hon'ble High court of Allahabad, Lucknow Bench with regard to the Order of the Hon'ble High court passed in *Chandranath Vs State of Uttar Pradesh* in case miscellaneous Bench no. 52/2010 on 06.01.10. The Hon'ble High Court vide the aforesaid order held that amended provision of Section 4 of Uttar Pradesh Act No. 8 of 2005 (U.P Municipal Act, 1960) by means of which voting right have been given to the nominated members in the meetings of the Municipalities and Nagar Panchayats, shall not be operated upon and nominated members indicated in the petition as respondent No. 5 to 24 who are nominated members of urban local bodies of Pratapgarh district, shall not vote in the meeting subject to further orders of the Court. In view of the above interim order, Election Commission issued direction on 07.01.10 that the 20 nominated members (respondents 5 to 24 in the Petition) debarred from voting by Hon'ble High Court in the meetings of the Local bodies shall not be permitted to vote at the current biennial election to the legislative Council from the Pratapgarh Local Authorities' constituency. It was further directed that in case some of these

persons had already voted by the time the directions were given, the remaining persons should not be allowed to vote.

The Commission has subsequently moved the Hon'ble High Court and an application is being filed before the Hon'ble Court apprising action taken by the Commission and seeking a clarification whether the bar against voting by the nominated members mentioned in the interim Order would also apply to their voting in the Legislative Council election from other Local Authorities' constituencies in the State.

In view of the fact that the hearing on the application filed by Commission may take a few days, the Commission has postponed the counting from 09.01.10(Saturday) to 13.01.10(Wednesday).

(R.K. Srivastava)
Secretary