

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. ECI/PN/ 30 /2009-MCPS

Dated: 1st June, 2009

PRESS NOTE

Subject: Bye-elections to the Council of States from the States of Jharkhand and Uttar Pradesh.

The Commission, through its Press Note dated 27th May, 2009, announced the schedule of bye-elections to the Council of States (Rajya Sabha) to fill up a casual vacancy each from Jharkhand and Uttar Pradesh, that arose on account of resignation of Shri Digvijay Singh and Shri Banwari Lal Kanchhal from their seats in the Rajya Sabha on 05-04-09 and 23-04-09 respectively.

2. The following two casual vacancies have also arisen in Jharkhand and Uttar Pradesh in addition to the vacancies mentioned above:

S. No.	State	Name of Member whose seat has fallen vacant	Cause & Date of vacancy	Date of retirement
1.	Jharkhand	Shri Yashwant Sinha	Elected to Lok Sabha on 16-5-09	07-07-2010
2.	Uttar Pradesh	Dr. Murli Manohar Joshi	Elected to Lok Sabha on 16-5-09	04-07-2010

3. The Commission has decided to hold bye-elections to fill up the abovementioned casual vacancies also as per the schedule already fixed for the two vacancies referred to in para 1 above. Accordingly, bye-elections to fill these two casual vacancies will also be held as per the following programme:

1	Issue of Notification	3 rd June, 2009 (Wednesday)
2.	Last date of making nominations	10 th June, 2009 (Wednesday)
3.	Scrutiny of nominations	11 th June, 2009 (Thursday)
4.	Last date for withdrawal of candidatures	13 th June, 2009 (Saturday)
5.	Date of poll	20 th June, 2009 (Saturday)
6.	Hours of poll	9.00 A.M. to 4.00 P.M.
7.	Counting of Votes	20 th June, 2009 (Saturday) at 5.00 P.M.
8.	Date before which election shall be completed	22 nd June, 2009 (Monday)

4. All these four bye-elections shall be held as separate elections to fill one vacancy each in the past also, in the case of all bye-elections, even to fill more than one casual vacancy from the same State arising around the same time in the Rajya Sabha or in the State Legislative Councils, the Commission has always held these bye-elections as separate elections with separate notifications, although a common programme may have been fixed for these bye-elections. This view and the consistent practice of the Commission of holding such bye-elections as separate elections has been upheld by the Hon'ble Delhi High Court in Civil W. P. No. 132 of 1994 (A.K. Walia Vs. Union of India and others) and W.P. No. 9357 of 2006 (Satya Pal Malik Vs. Election Commission of India), by its decision dated 14.01.1994 and 20.01.2009 respectively.

5. There are casual vacancies in the Rajya Sabha from some other States also. The Commission will shortly announce the programme for holding bye-elections to fill up those vacancies separately. For the convenience of the MLAs, the Commission fixes the programme for elections to the Rajya Sabha during the period when there is an Assembly session so that the MLAs do not have to assemble only for the purpose of the election.

(SATYENDRA KUMAR RUDOLA)
SECRETARY