



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
Nirvachan Sadan,
अशोक रोड, नई दिल्ली-110001
Ashoka Road, New Delhi-110001

No. ECI/PN/96/2017

Dated: 22nd December 2017

PRESS NOTE

Subject: Biennial Elections to the Council of States from NCT of Delhi and Sikkim and bye-election to the Council of States from Uttar Pradesh.

The term of office of 4 members of the Council of States (Rajya Sabha) elected from 2 States, is due to expire on their retirement as detailed below :-

S.No.	State	Name of Member	Date of retirement
1.	NCT of Delhi	1. Dr. Karan Singh, 2. Sh. Janardan Dwivedi 3. Sh. Parvej Hashmi	27.01.2018 27.01.2018 27.01.2018
2.	Sikkim	1. Shri Hishey Lachungpa	23.02.2018

2. Besides, there is a casual vacancy in the Council of States from Uttar Pradesh due to resignation of sitting member as detailed below:

S.No	State	Name of Member	Cause of vacancy	Term of office up to
1.	Uttar Pradesh	Sh. Manohar Parrikar	Resignation on 2 nd September, 2017	25.11.2020

3. The Election Commission has decided to hold the Biennial Elections to the Council of States from the States of NCT of Delhi and Sikkim and a Bye-election to the Council of States from Uttar Pradesh in accordance with the following schedule :-

1.	Issue of Notifications	29 th December, 2017 (Friday)
2.	Last date of making nominations	5 th January, 2018 (Friday)
3.	Scrutiny of nominations	6 th January, 2018 (Saturday)
4.	Last date for withdrawal of candidatures	8 th January, 2018 (Monday)
5.	Date of poll	16 th January, 2018 (Tuesday)


6.	Hours of poll	9.00 A.M. to 4.00 P.M
7.	Counting of Votes	16 th January, 2018 (Tuesday) at 5 P.M.
8.	Date before which election shall be completed	22 nd January, 2018 (Monday)

4. The National Capital Territory of Delhi has been allocated three seats in the Rajya Sabha, which are presently held by Dr. Karan Singh, Shri Janardan Dwivedi and Shri Parvej Hashmi, whose terms of office will expire on 27th January, 2018. Thus, biennial elections are due to be held to fill all the above mentioned three vacancies arising on 27th January, 2018, on a regular basis.

5. These three vacancies are being filled by holding three separate elections, in accordance with the law on the subject, as each of these three vacancies fell under three different cycles, which were determined at the time of the initial constitution of the Rajya Sabha in 1952 itself. The decision of the Commission to hold three separate elections was called in question before the Hon'ble Delhi High Court in Civil Writ Petition No.132 of 1994 (A.K. Walia Vs. Union of India and Others) on behalf of the Indian National Congress, contending that all the three vacancies should be filled by holding a common election as the elections to the Rajya Sabha are held under the system of proportional representation. The Hon'ble Delhi High Court, however, dismissed the petition, by its order dated 14th January, 1994, holding, inter alia, as follows:

"We are of the view that once the seats have been divided into the three categories from the inception, the Respondents were right in holding separate elections for each category. Now these three seats fall in three separate categories, so elections to these three seats have to be also separate".

6. In accordance with the law so laid down by the Delhi High Court, the aforesaid three seats, now due to fall vacant in the Rajya Sabha on 27th January, 2018 from the National Capital Territory of Delhi, will also be filled by holding three separate biennial elections to fill one seat each.


(PAWAN DIWAN)
UNDER SECRETARY