

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

PRESS NOTE

No.MCS/PN/38/99

Dated: 27th December, 1999.

Subject: Elections to Rajya Sabha

The National Capital Territory of Delhi has been allocated three seats in the Rajya Sabha, Of these three seats, two are held by Sh.O.P.Kohli and Sh. K.R.Malkani, whose term of office will expire on 27.1.2000. The third seat was held earlier by Prof. V.K.Malhotra and his term of office was also upto 27th January, 2000, but he got elected to the House of the People on 6th October, 1999. Thus, biennial elections are due to be held to fill all the above mentioned three vacancies arising on 27th January, 2000, on a regular basis.

2. On the last occasion, these three vacancies were filled by holding three separate elections, in accordance with the law on the subject, as each of these three vacancies fell under different categories 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 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 by a common election as the elections to the Rajya Sabha are held under the system of proportional representation. The 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".

3. The Bharatiya Janata Party who intervened in the above Writ Petition before the Delhi High Court and was represented by Shri Arun Jaitly also contended before the High Court that the aforesaid three seats should be filled by holding three separate elections, and not by a common election.

4. Likewise, in April, 1998, five seats in the Rajya Sabha which fell vacant from the State of Punjab were also filled by two separate elections on 27th March, 1998, one for three seats and the other for two seats, as these seats fell under different categories.

5. In accordance with the law so laid down by the Delhi High Court, the said three seats, now again due to fall vacant in the Rajya Sabha on 27th January, 2000 from the National Capital Territory of Delhi, will also be filled by holding three separate biennial elections to fill one seat each.

6. The aforesaid three separate biennial elections from Delhi will be held as per the following schedule:

a. Date of three notifications by the President

under Section 12 of the R.P.Act, 1951,

calling the biennial elections: 3rd January, 2000 (Monday).

b. Last date for making nominations

for each of the biennial elections: 10th January, 2000 (Monday).

- c. Date for scrutiny of nominations: 11th January, 2000 (Tuesday).
- d. Last date for withdrawal of candidatures: 13th January, 2000 (Thursday).
- e. Date of poll for each of these three

biennial elections, to be taken separately: 20th January, 2000 (Thursday).

- f. Date before which these biennial

elections shall be completed: 22nd January, 2000 (Saturday).

7. In addition to the abovementioned three regular vacancies from the National Capital Territory of Delhi, one more regular vacancy in the Rajya Sabha is also due to arise on 23rd February, 2000, from the State of Sikkim, on the retirement of Shri Karma Tazing Topden on the expiration of his term of office.

- 8. Apart from the above four regular vacancies, another four casual vacancies in the Rajya Sabha, which have to be filled through bye-elections, are also existing at present, as follows:

Sl.No.	Name of the State	Name of the Member who resigned	Date of Vacancy	Term of Office
1	Karnataka	Sh. S.M.Krishna	14.10.1999	09.04.2002
2	Jammu & Kashmir	Dr. Karan Singh	12.08.1999	29.11.2002
3	Tamil Nadu	Sh. R.K.Kumar	03.10.1999	02.04.2002
4	Tamil Nadu	Sh. T.M. Venkatachalam	02.12.1999	02.04.2002

9. All these five vacancies mentioned in paras 7 and 8 above will also be filled by holding elections as per the schedule laid down in para 6 above, relating to the biennial elections from the National Capital Territory of Delhi.

(K. R. PRASAD)

SECRETARY