

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. ECI/PN/51/2005

Dated: 14th December, 2005

PRESS NOTE

Subject: Biennial Elections to the Council of States (Rajya Sabha) from National Capital Territory of Delhi and Sikkim – 2005-06

The National Capital Territory of Delhi has been allocated three seats in the Rajya Sabha, which are held by Shri Karan Singh , Shri Janardan Dwivedi and Shri P.M. Sayeed whose term of office will expire on 27.01.2006. Thus, biennial elections are due to be held to fill all the above mentioned three vacancies arising on 27th January, 2006, 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. In accordance with the law so laid down by the Delhi High Court, the aforesaid three seats, now due to fall vacant again in the Rajya Sabha on 27th January, 2006 from the National Capital Territory of Delhi, will also be filled by holding three separate biennial elections to fill one seat each.

4. In addition to the abovementioned three regular vacancies from the National Capital Territory of Delhi, one more regular vacancy in the Rajya Sabha will also arise on

23rd February, 2006, from the State of Sikkim on the retirement of Shri P.T. Gyamtso on the expiration of his term of office.

The aforesaid three separate Biennial Elections from Delhi along with one Biennial Election from Sikkim will be held as per the following schedule:

1.	Date of issue of three notifications for 3 seats in case of Delhi and one notification for 1 seat in case of Sikkim by the President under section 12 of the Representation of People Act, 1951, calling the Biennial Elections	21.12.2005 (Wednesday)
2.	Last date of making nominations	28.12.2005 (Wednesday)
3.	Scrutiny of nominations	29.12.2005 (Thursday)
4.	Last date for the withdrawal of candidatures	31.12.2005 (Saturday)
5.	Date of poll	07. 01. 2006 (Saturday)
6.	Counting of Votes	07.01.2006 (Saturday) at 5:00 P.M
7.	Date before which election shall be completed	10.01.2006 (Tuesday)

(S. K. KAURA)
SECRETARY