

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110 001

No. ECI/PN/ 02 /2009

Dated 12th January, 2009

PRESS NOTE

Subject: Biennial Elections to the Council of States from the States of Jammu & Kashmir and Kerala.

The term of office of following 4 members of the Council of States representing the State of Jammu & Kashmir has expired on the dates mentioned against them, due to the retirement of the sitting members :-

S.No.	Name of Member	Date of retirement
1.	Shri S. Tarlok Singh	25.11.2008
2.	Prof. Saif-ud-Din Soz	29.11.2008
3.	Dr. Farooq Abdullah	29.11.2008
4.	Chowdhary Mohammad Aslam	29.11.2008

The Biennial Elections to fill up the aforesaid seats could, so far, not be conducted due to non-existence of the Jammu & Kashmir Legislative Assembly i.e. the Electoral College of the Council of States Elections.

Now, the Jammu & Kashmir Legislative Assembly has been duly constituted under Section 82 of the Jammu & Kashmir Representation of the People Act, 1957. The House is yet to convene its first meeting. In such cases Hon'ble Supreme Court of India has held that the MLAs, once elected, can vote for electing members of the Council of States, even though they have not formally taken oath as such.

In respect of members of the Council of States to be elected by the Members of Jammu & Kashmir Legislative Assembly, all the four seats are to be filled up on account of biennial retirement of members. On the last occasion, these four vacancies were filled up by holding **three** separate elections, in accordance with the law on the subject i.e. one biennial election for the seat of Shri S. Tarlok Singh, second biennial election for the seat of Chowdhary Mohammad Aslam and third biennial election for the seats of Prof. Saif-ud-Din

Soz & Dr. Farooz Abdullah. Consequently, the four members to be elected now shall hold office for the full tenure of six years. This time also **three separate biennial elections** will be held to fill up these four seats as was done on the last occasion.

Apart from the above, the term of office of three members of the Council of States from the State of Kerala is going to expire on 21st April, 2009 due to the retirement of the following sitting members :-

S.No.	Name of Member
1.	Shri K. Chandran Pillai
2.	Shri Thennala G. Balakrishna Pillai
3.	Shri Vayalar Ravi

In view of the above, the Election Commission has decided to hold **three Biennial Elections** to the Council of State from Jammu & Kashmir and a biennial election to the Council of States from Kerala.

Accordingly, these biennial elections shall be held in accordance with the following programme:-

1. Issue of Notifications : 27.01.2009 (Tuesday)
2. Last date of making nominations : 03.02.2009 (Tuesday)
3. Scrutiny of nominations : 04.02.2009 (Wednesday)
4. Last date for withdrawal of candidature : 06.02.2009 (Friday)
5. Date of poll : 13.02.2009 (Friday)
6. Hours of poll : 9.00 AM to 4.00 PM
7. Counting of Votes : 13.02.2009 (Friday) at 5.00 PM
8. Date before which election shall be completed : 16.02.2009 (Monday)

(S. K. RUDOLA)
SECRETARY