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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110 001

No. 23/99-PLN-II

Dated : 27th January, 1999.

Subject : Bye-Elections to the State Legislative Assemblies—
Revision of electoral rolls.

ORDER

The Commission has since announced the programme of Bye-elections to the State Legislative Assemblies from the following Constituencies :—

STATE LEGISLATIVE ASSEMBLIES

- | | | |
|--------------------|---|------------------|
| (1) Gujarat | : | 21—Jetpur |
| | | 24—Jodiya |
| (2) Madhya Pradesh | : | 139—Khallari |
| | | 287—Burbanpur |
| (3) Mizoram | : | 14—Khawbung (ST) |
| (4) Rajasthan | : | 184—Sardarpura |
| (5) NCT of Delhi | : | 9—Hauz Khas |

2. According to Section 21 (2)(a)(ii) of the Representation of the People Act, 1950, the electoral rolls, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date before each bye-election to fill a casual vacancy in a seat allotted to the Constituency.

3. The qualifying date in relation to the preparation or revision of every electoral roll means the first day of January of the year in which it is so prepared or revised as per Section 14 (b) of the Representation of the People Act, 1950.

4. The Commission has not ordered any revision of electoral rolls with reference to 1.1.1999 as the qualifying date in the States of Gujarat, Mizoram, Rajasthan and National Capital Territory of Delhi. In the State of Madhya Pradesh a Summary Revision with reference to 1.1.1999 as the qualifying date is being undertaken in respect of all Assembly Constituencies excepting 139-Khallari and 287-Burhaspur Assembly Constituencies from which bye-elections are being held and the process of election is to start on 29th January, 1999. The time available before the issue of notification calling the bye-elections is insufficient even for a summary revision of the electoral rolls with reference to 1.1.1999 as the qualifying date in accordance with the procedure prescribed under Section 21 of the Representation of the People Act, 1950 and rules 4 to 23 of the Registration of Electors Rules, 1960. In these circumstances the Commission has no option but to decide that the bye-elections from the Assembly Constituencies in the State Legislative Assemblies mentioned above will necessarily have to be conducted on the basis of the current rolls revised with reference to 1.1.1998 as the qualifying date having regard to the proviso to Section 21 (2) of the Representation of the People Act, 1950.

5. Accordingly, the Commission has directed that no revision of electoral rolls under Section 21 (2) of the Representation of the People Act, 1950 shall be undertaken before the bye-elections to the State Legislative Assemblies mentioned above for which the process of election will commence on the 29th January, 1999.

BY ORDER AND IN THE NAME OF
ELECTION COMMISSION OF INDIA

C.R.BRAHMAM
SECRETARY.