

ECI decides to conduct Biennial Election to the Maharashtra Legislative Councils by the members of Legislative Assembly (MLAs) on 21st May 2020

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Election Commission today reviewed the matter concerning feasibility of conduct of biennial election for the 9 vacant seats of the MLC by MLAs in the state of Maharashtra. Shri Sunil Arora, Chief Election Commissioner joined the meeting with Shri Ashok Lavasa, Election Commissioner and Shri Sushil Chandra, Election Commissioner over video call (from USA).

Nine seats of MLC by MLAs became vacant on 24 April 2020 in Maharashtra (Annexure A). ECI on 03 April 2020 issued an order under Article 324 to defer the elections till further orders in view of COVID-19 circumstances.

Election Commission has received a letter dated 30th April, 2020 of Chief Secretary, Maharashtra in which, the CS has pointed out the various measures taken to control pandemic and that in the State Government's assessment, elections to the nine seats of MLC by MLAs could be held in a safe environment. State Government has assured the Commission that the State Government is fully committed to ensuring that the said elections are held in total hygienic conditions with social distancing measures and other conditions imposed by the competent authorities.

Citing the Union Home Ministry's order dated 29th April 2020 concerning permitting the movement of migrant workers, pilgrims, tourists, students and other persons stranded due to lock-down orders, State Government has reiterated that it will facilitate and ensure that the elections are conducted by following all directions in the matter.

Commission also received a DO letter dated 30th April 2020 of Hon'ble Governor, Maharashtra addressed to the CEC indicating the feasibility of conducting elections in the State. In this connection, Governor Maharashtra has also mentioned that Shri Udhav Balasaheb Thackeray was sworn in as the Chief Minister of Maharashtra on 28th November, 2019 and pointed out that as per constitutional provisions he has to become a member of either the Maharashtra Legislative Assembly or Legislative Council within a period of six months i.e. on or before the 27th May, 2020. He has further stated that the ground level situation is contained and as of now appears to be improving with several relaxations being made by the Government. Hence keeping in view, the entire situation, the Election Commission has been requested to consider working out modalities to hold elections.

Commission also took note of representations from various political parties– the Maharashtra Vidhanmandal Congress Paksh, the Shiv Sena Vidhi Mandal Paksh and, the Rashtravadi Congress Party requesting Commission to conduct the said election, the schedule of which was deferred due to force majeure conditions.

While taking note of all the above, Commission reviewed the past precedents in such unforeseen situations. In cases of former Prime Ministers Sh. P.V Narasimha Rao in 1991 and Sh. HD Deve Gowda in 1996; and several Chief Ministers of states (like Sh. Ashok Gehlot, Chief Minister Rajasthan in 1991; Smt Rabri Devi, Chief Minister Bihar in 1997, Sh, Vijay Bhaskar Reddy, Chief Minister of Andhra Pradesh in 1993, Chief Minister Uttar Pradesh & 4 Ministers in 2017, and Chief Minister Nagaland in 2017), Commission conducted by-elections to fulfil similar constitutional requirement. Commission noted that this has been the consistent practice in the past.

After taking all these into consideration, Commission has decided to conduct the said biennial election in the

State of Maharashtra. The details of schedule of the election is attached at Annexure B.

Commission also decided that the Union Home Secretary, who is Chairperson of National Executive Committee in ex-officio capacity under the Disaster Management Act, 2005, should depute an officer of suitable seniority to ensure that the preventive measures are put in place in keeping with the provisions of the said Act for the smooth conduct of the electoral process for the said election.

Commission has also directed the Chief Secretary to depute an officer from the State to ensure that the extant instructions regarding COVID-19 are complied with while making arrangements for conducting the elections.

Further Commission has appointed Chief Electoral Officer, Maharashtra as Observer for this election.

Commission also decided to review other deferred elections in the next week.

SBS

Annexure A (List of vacancy)

S.No.	Name of the Member	Date of Retirement
	Gorhe, Neelam Diwakar	24.04.2020
	Takle, Hemant Prabhakar	
	Thakur, Anand Rajendra	
	Wagh, Smita Uday	
	Deshmukh, Prithviraj Sayajirao	
	Pawaskar, Kiran Jagannath	
	Adsad, Arunbhau Janardan	
	Raghuvanshi, Chandrakant Batesing	
	Rathod, Harising Nasru	

Annexure B (Schedule)

S. No.	Events	Dates
1.	Issue of Notification	4 th May 2020 (Monday)
2.	Last Date of making nominations	11 th May 2020 (Monday)
3.	Scrutiny of nominations	12 th May 2020 (Tuesday)
4.	Last date for withdrawal of candidatures	14 th May 2020 (Thursday)
5.	Date of Poll	21 st May 2020 (Thursday)
6.	Hours of Poll	09:00 a.m. to 04:00 p.m.
7.	Counting of Votes	21 st May 2020 (Thursday) at 5:00 p.m.
8.	Date before which election shall be completed	26 th May 2020 (Tuesday)

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