

TO BE PUBLISHED IN THE
EXTRAORDINARY ISSUE OF THE
OFFICIAL GAZETTE OF THE STATE
DATED 14TH MAY, 2016

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110001

Dated: 14th May, 2016

24 Vaisakha, 1938(Saka)

NOTIFICATION

100/ARUN-LA/01/2016 (Bye):-Whereas, two Members of the Legislative Assembly of Arunachal Pradesh, namely, Wanglam Sawin and Gabriel Denwang Wangsu, who were elected to the Arunachal Pradesh Legislative Assembly from 55- Khonsa East (ST) and 58- Kanubari (ST) Assembly Constituencies respectively, at the last general election to the said Legislative Assembly held in 2014, resigned their seats in the Assembly on 1st October, 2015; and

Whereas, the resignations tendered by the aforesaid MLAs were accepted by the Speaker of the said Legislative Assembly; and

Whereas, the aforesaid MLAs filed a Writ Petition No.6193 of 2015 before the Gauhati High Court questioning the validity of the Speaker's decision to accept their resignations; and

Whereas, the Gauhati High Court dismissed the said writ petition on 12th January, 2016; and

Whereas, a Special Leave Petition No.2044/2016 filed by the aforesaid MLAs before the Supreme Court was also dismissed on 09th February, 2016 ; and

Whereas, on dismissal of the above mentioned Special Leave Petition by the Supreme Court on 9th February, 2016 the vacancy from 58- Kanubari (ST) Assembly Constituency was treated as a clear vacancy; and

Whereas, as an election petition relating to the election of Shri Wanglam Sawin from 55- Khonsa East (ST) Assembly Constituency was pending before the Gauhati High Court in which the petitioner has sought a further declaration in terms of section 84 of the Representation of the People Act, 1951 and, therefore, the vacancy from 55-Khonsa East(ST) Assembly Constituency was not treated as clear vacancy; and

... Contd

Whereas, the Election Commission, vide its Notification No.100/ARUN-LA/1/2016, dated 22.04.2016, published in the Gazette of Government of Arunachal Pradesh on 22nd April, 2016, has called the bye election to fill the vacant seat of 58-Kanubari(ST) Assembly Constituency of Arunachal Pradesh Legislative Assembly, and fixed the schedule appointing, *inter-alia*, 16th May, 2016 (Monday) as the date of poll; and

Whereas, the aforesaid two MLAs filed Review Petition No.2324 of 2016 in SLP(C) No.2044/2016 before the Supreme Court titled Wanglam Sawin and anr. versus the Speaker, Arunachal Pradesh and ors; and

Whereas, the Supreme Court has passed an order dated 11th May, 2016 in the said Review Petition to the effect that '*List the matter on 11th July, 2016. In the meantime, status quo shall be maintained.*';

Now, therefore, having due regard to the aforesaid Order of the Supreme Court, and in exercise of powers conferred under sections 30, 56, 150 and 153 of the Representation of the People Act, 1951 read with section 21 of the General Clauses Act, 1897, the Election Commission has decided to defer the poll in the said bye-election, and hereby makes the following amendments to its aforesaid Notification, dated 22nd April, 2016:-

(c) for the existing clauses (d) and (e) of para 3(B) and para 3(C), the following shall be substituted:-

“ and

(C)) hereby directs that-

- (i) the date on which a poll shall be taken, if necessary;
- (ii) the date before which the election shall be completed ;
- (iii) the hours during which poll shall be taken, if necessary;

will be fixed after the disposal of the aforesaid Review Petition by the Supreme Court.”

By order,



(S.B.JOSHI)
SECRETARY