

भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

Tel: 011-23052246
Fax 011-23052001
Website: www.eci.gov.in

निर्वाचन सदन,
अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan,
Ashoka Road, New Delhi-110001.

No.99/Bye-election/2020/EPS

Dated: 20th March, 2020

CERTIFICATE

Whereas, a casual vacancy occurred in the Legislative Assembly of West Bengal from 13- Falakata (SC) Assembly Constituency on 31.10.2019 due to demise/death of Sh. Anil Adhikari, whose normal term would have expired on 30.05.2021.

2. And whereas, the said vacancy is required to be filled within six months from the date of its occurrence i.e. 30.04.2020 in terms of the provision of section 151A of the Representation of the People Act, 1951.

3. And whereas, the Commission had already considered to conduct, the bye-election soon after Board Exam schedule in West Bengal and complete process of election, well within the prescribed limit of 30th April, 2020.

4. And whereas, due to outbreak of COVID-19 in several parts of the country the Ministry of Health & Family Welfare in its OM dated 05.03.2020 and various advisories issued in the matter has advised to reduce mass gatherings to avoid the spread of COVID-19 Novel Coronavirus disease. Further, it is also advised that mass gatherings may be avoided or possibly be postponed till the disease spread is contained. Moreover, several States have already taken measures against large scale congregations in schools and public places, consequently, all schools, cinema halls, malls, etc. has been closed in these states. Warning/Advisories against public gatherings in huge numbers have also been issued, to tackle the spread of deadly COVID-19.

5. And whereas, it would not be appropriate to hold the bye-election as during election campaign the public gatherings will take place in the said assembly constituency for meetings, rallies, etc., throughout the election period. These gatherings may be detrimental and harmful for the public health at large due to spread of COVID-19. Therefore, the Commission is of the considered view that in

the public interest this bye-election may be held later as and when the situation is conducive to hold bye-election and the disease spread is contained.

6. And whereas, as required under clause (b) of the proviso to the said section 151A of the Representation of the People Act, 1951, the Election Commission has consulted the Central Government vide its letter no. No.99/Bye-election/2020/EPS dated 17.03.2020, addressed to Ministry of Law & Justice explaining therein the difficulties in holding the Bye-election to fill the said vacancy within the period specified in section 151 A, and the Central Government has concurred with the views of the Election Commission vide Ministry of Law and Justice, Legislative Department letter F.No H- 11024/2/2020-Leg-II dated 18th March, 2020.

7. Now therefore, after taking all relevant factors into account, the Commission hereby certifies that the process of bye-election to the Legislative Assembly to fill up the said casual vacancy could not be held within the period contemplated in Section 151A of the Representation of the People Act, 1951.



(SUMIT MUKHERJEE)
PRINCIPAL SECRETARY