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भारत निर्वाचन आयोग
Election Commission of India

No. ECI/PN/309/2025 **Dated: 24th September, 2025**

PRESS NOTE

Subject: Biennial Elections to the Council of States from Union Territory of Jammu and Kashmir- reg.

The term of office of 4 members of the Council of States (Rajya Sabha) elected from erstwhile State of Jammu and Kashmir has expired on their retirement as under:-

S.No.	Name of Member	Date of Retirement	Election Cycle
1.	Sh. Mir Mohammad Fayaz	10.02.2021	Separate election (01 seat)
2.	Sh. Shamsher Singh	10.02.2021	Separate election (01 seat)
3.	Sh. Ghulam Nabi Azad	15.02.2021	Separate Election (02 seats)
4.	Sh. Nazir Ahmed Laway	15.02.2021	

2. The erstwhile State of Jammu & Kashmir has been bifurcated into the Union Territories of Jammu and Kashmir (with legislature), and Ladakh (without legislature), vide the Jammu and Kashmir Reorganisation Act, 2019. As per Section 9 of the said Act, four sitting members of the Council of States representing the existing State of Jammu and Kashmir shall be deemed to have been elected to fill the seats allocated to the Union territory of Jammu and Kashmir, as specified in the First Schedule to said Act.

3. All four above mentioned seats are lying vacant since the expiration of term of office of sitting members due to non-availability of required electorate to conduct the said elections at the time of occurrence of said vacancies.

4. Consequent upon the constitution of the State Legislative Assembly of UT of Jammu & Kashmir, there is required electorate to conduct the Biennial Elections to the Council of States from UT of Jammu & Kashmir in accordance with the following schedule: -

S.No.	Events	Days and Dates
1.	Issue of Notifications	6th October, 2025 (Monday)
2.	Last date for making nominations	13th October, 2025 (Monday)
3.	Scrutiny of nominations	14th October, 2025 (Tuesday)
4.	Last date for withdrawal of candidatures	16th October, 2025 (Thursday)
5.	Date of poll	**24th October, 2025 (Friday)**
6.	Hours of poll	09:00 am- 04:00 pm
7.	Counting of Votes	24th October, 2025 (Friday) at 05:00 pm
8.	Date before which election shall be completed	28th October, 2025 (Tuesday)

5. These four vacancies are being filled by holding three separate elections, in accordance with the law on the subject, as each of these four vacancies fell under three different cycles.

6. In this context, it is stated that the decision of the Commission to hold separate elections was called in question before the Hon'ble Delhi High Court in Civil Writ Petition No.132 of 1994 (A.K. Walia Vs. Union of India and Others) on behalf of the Indian National Congress, contending that all the three vacancies should be filled by holding a common election as the elections to the Rajya Sabha are held under the system of proportional representation. The Hon'ble Delhi High Court, however, dismissed the petition, by its order dated 14th January, 1994, holding, inter alia, as follows:

"We are of the view that once the seats have been divided into the three categories from the inception, the Respondents were right in holding separate elections for each category. Now these three seats fall in three separate categories, so elections to these three seats have to be also separate".

7. In accordance with the law so laid down, the aforesaid four seats, already fallen vacant in the Rajya Sabha on 10.02.2021 and 15.02.2021 from UT of Jammu and Kashmir, will also be filled by holding three separate biennial elections to fill one, one and two seats by issuing three separate notifications for, one member retired on 10.02.2021, one on 10.02.2021 and other two on 15.02.2021 respectively.

8. Further, the term of office of the members to be elected to the Council of States from the UT of Jammu & Kashmir shall be subject to the decision of the Hon'ble Supreme Court in SLP(C) No. 17123/2015 (Election Commission of India Vs Devesh Chandra Thakur & Others)."

9. The Commission has directed that for the purpose of marking preference(s) on the ballot paper only integrated violet colour sketch pen(s) of pre-fixed specification, provided by the Returning Officer, shall be used. No other pen shall, under any circumstances, be used in the above said election.

10. Adequate measures for close monitoring of the election process by appointing observer shall be taken to ensure free and fair election.

(RAJESH KUMAR SINGH)
UNDER SECRETARY