

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:3040
ANSWERED ON:30.08.2012
GAZETTE NOTIFICATION
Jeyadural Shri S. R.

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Election Commission of India had taken cognizance of a decision of a legislative assembly to expel its members and issued gazette notification in this regard;
- (b) if so, the details thereof;
- (c) whether the Commission has received any reference from the concerned Assembly regarding restoration of the membership of such expelled legislators;
- (d) if so, the details thereof; and
- (e) the action taken by the Election Commission of India regarding issue of gazette notification or otherwise based on the decision of the concerned Assembly?

Answer

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (e): The Election Commission has intimated that the Commission received a letter No.637-VS/Vidhan/2012 dated 18th July, 2012 from the Madhya Pradesh Legislative Assembly in which it was stated that Ch. Rakesh Singh Chaturvedi, MLA elected from 10-Bhind Assembly Constituency and Dr. Kalpana Parulekar, MLA elected from 213-Mahidpur Assembly Constituency have been expelled from the House on 18th July, 2012 and their seats have become vacant. Thereupon, the Election Commission updated the electoral college for the then ongoing election to the office of the President of India, in terms of rule 40 of the Presidential and Vice-Presidential Elections Rules, 1974 read with article 54 of the Constitution by deleting their names from the electoral college. Subsequently, the Election Commission received, through the Chief Electoral Officer of Madhya Pradesh, a Notification dated 27th July, 2012 of the Madhya Pradesh Legislative Assembly stating that the aforementioned two MLAs had been reinstated subsequently in the Assembly on the basis of the resolution passed by the State Assembly on the 27 July, 2012. Consequently, the Election Commission observed that in the light of the notification of the Madhya Pradesh Legislative Assembly Secretariat dated the 27th July, 2012, no vacancy exists in the Madhya Pradesh Legislative Assembly for these two seats.

The Election Commission has further intimated that it had also received a request from the two MLAs to restore their names in the electoral college for the Presidential election in view of the restoration of their membership. They were informed that since the election to the office of the President of India was over, their request for restoration of their names in the electoral college has become infructuous.