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Arvind Kejriwal wants early elections to Delhi Assembly. What does the law say?

Arvind Kejriwal has asked for Assembly elections to be held in Delhi along with Maharashtra, where a new House must be elected before November 26. However, the term of the Delhi Assembly ends only on February 23, 2025.

Written by [Damini Nath](#)

New Delhi | Updated: September 17, 2024 09:38 IST

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Delhi CM Arvind Kejriwal is likely to resign on Tuesday. (PTI)

Arvind Kejriwal is likely to submit his resignation as Chief Minister during a scheduled meeting with Delhi Lieutenant Governor Vinai Kumar Saxena at 4.30 pm on Tuesday.

Kejriwal told [Aam Aadmi Party](#) (AAP) workers on Sunday that **he would give up his post** and give an “agnipariksha” to prove his innocence in the alleged excise policy corruption case, in which he was granted bail by the Supreme Court last week.

Kejriwal has asked for Assembly elections to be held in Delhi along with [Maharashtra](#), where a new House must be elected before November 26. However, the term of the Delhi Assembly ends only on February 23, 2025.

Who decides when Assembly elections will be held in Delhi?

Under Article 324 of the Constitution, the powers of superintendence, direction, and control of elections are vested in the Election Commission of India (ECI). The ECI

works backwards from the date on which the five-year term of the existing House ends, ensuring that the election process is completed before then.

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However, Section 15(2) of The Representation of the People Act, 1951, says the election cannot be notified less than six months before the end of the term of the Assembly — unless the Assembly is dissolved before it completes its term.



Can a Chief Minister force the ECI to hold an election before it is due?

Article 174(2)(b) of the Constitution says the Governor “may from time to time” dissolve the Legislative Assembly. The Council of Ministers can recommend dissolution of the House to the Governor before the end of its term, forcing a decision. Once the Assembly has been dissolved, the ECI has to conduct fresh elections within six months.

In September 2018, the [Telangana](#) Cabinet led by then Chief Minister K Chandrasekhar Rao recommended the dissolution of the Assembly, whose term was to end in June 2019. The Governor accepted the recommendation, and Assembly elections were held in 2018.

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But Delhi is not a “full” state. In Delhi, the Government of National Capital Territory of Delhi Act, 1991, applies. While Section 6(2)(b) of the Act says the Lieutenant Governor may from time to time dissolve the Assembly, even if a Chief Minister of Delhi recommends the dissolution of the Assembly, the final say is the Centre's (through the LG).

In any case, in the present situation, Kejriwal has only said he will resign as CM and asked for early elections — he does not appear to be planning to recommend the dissolution of the Assembly. His successor in the post could be announced after a meeting of AAP MLAs at the CM's residence on Tuesday morning.

What are the things the ECI looks at before deciding the election schedule?

The new Assembly (or Lok Sabha) has to be in place before the end of the current Assembly's term, which means the election process, including giving certificates of election to the winners and the completion of all formalities, has to be completed before that date.

The ECI works backwards from that date, planning the schedule based on the weather, availability of security forces, festivals, training of officers, procurement of EVMs, etc.

Before finalising the schedule, the ECI visits the state to take inputs from the administrative and police machinery. It also tries to club together voting in states where polls are due around the same time.

What is the current state of preparedness for elections in Delhi?

Delhi is not preoccupying the ECI currently. The ECI is currently engaged in conducting the [Jammu](#) and Kashmir Assembly election, where voting in the first phase will take place on September 18. Two more phases will be held on September 25 and October 1.

Voting in Haryana will follow on October 5, and counting in both Haryana and J&K will be held on October 8.

Elections to the Maharashtra and Jharkhand Assemblies are due next; the terms of these two Houses will end in November and January 2025 respectively.

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Usually, a special summary revision of the electoral roll starts a few months before elections are due. The electoral roll of Maharashtra has already been published with the eligibility date of July 1, which means those who have turned 18 by that date have had a chance to enrol.



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The rolls of J&K, Haryana, Maharashtra, and Jharkhand were published in A For all other states and UTs, including Delhi, the annual revision with the eligibility date of January 1, 2025 will be published on January 6, 2025, as per instructions issued by the ECI.

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Damini Nath

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Damini Nath is an Assistant Editor with the national bureau of The Indian Express. She covers the housing and urban affairs and Election Commission beats. She has [... Read More](#)

First uploaded on: 17-09-2024 at 07:24 IST

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