



PARLIAMENT OF INDIA RAJYA SABHA

79th report on **Feasibility of holding simultaneous elections to the house of people (Lok Sabha) and State Legislative Assemblies**

December, 2015

**PARLIAMENT OF INDIA
RAJYA SABHA**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE**

SEVENTY-NINTH REPORT

**Feasibility of Holding Simultaneous Elections
to the House of People (Lok Sabha) and
State Legislative Assemblies**

*(Presented to the Rajya Sabha on 17 December, 2015)
(Laid on the Table of Lok Sabha on 17 December, 2015)*



**Rajya Sabha Secretariat, New Delhi
December, 2015/Agrahayana, 1937 (Saka)**

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COMPOSITION OF THE COMMITTEE
(Constituted on 1st September, 2014)

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

RAJYA SABHA

2. Ms. Anu Aga
3. Shri Majeed Memon
4. Shri Parimal Nathwani
5. Shrimati Rajani Patil
6. Shri Sukhendu Sekhar Roy
7. Shri Ramchandra Prasad Singh
8. Dr. Abhishek Manu Singhvi
9. Shri K.T.S. Tulsi
- *10. Shri Bhupender Yadav

LOK SABHA

11. Shri Suvendu Adhikari
12. Shri Subrata Bakshi
13. Adv. Sharad Bansode
14. Shri P.P. Chaudhary
15. Shri Abu Hasem Khan Chowdhury
16. Choudhary Mehboob Ali Kaiser
17. Shri Shanta Kumar
18. Shri Santosh Kumar
19. Shri S. Bhagwant Mann
20. Shri Anoop Mishra
21. Shri B.V. Naik
22. Shri Vincent H. Palla
23. Shri V. Panneer selvam
24. Shri Vithalbhai Hansrajibhai Radadiya
25. Dr. A. Sampath
26. Shri Bharat Singh
27. Shri Udhayakumar M.

* Nominated *vice* Shri Aayanur Manjunatha *w.e.f.* 30th September, 2014.

- 28. Shri Varaprasad Rao Velagapalli
- 29. Dr. Anshul Verma
- #30. Shri Tariq Anwar
- \$31. Adv. Joice George

Vacancy existing since the constitution of the Committee and filled-up on 11th September, 2011.
\$ Change in the nomination of Shri Innocent *w.e.f.* 22nd December, 2014.

COMPOSITION OF THE COMMITTEE

(Re-constituted on 1st September, 2015)

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RAJYA SABHA

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29. Shri Varaprasad Rao Velagapalli
30. Dr. Anshul Verma
- *31. Shri Shanta Kumar

SECRETARIAT

Dr. D.B. Singh, *Secretary*

Shri K.P. Singh, *Joint Secretary*

Shri Ashok K. Sahoo, *Joint Director*

Shrimati Niangkhanem Guite, *Assistant Director*

* Resigned from Committee w.e.f. 9th October, 2015.

INTRODUCTION

I, Chairman of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorised by the Committee on its behalf, do hereby present the Seventy-ninth Report on the Subject 'Feasibility of Holding Simultaneous Elections to House of People (Lok Sabha) and State Legislative Assemblies'. The Committee identified the Subject for examination and report on 21st January, 2015.

2. In order to solicit the views of stakeholders, the Committee issued a Press Communique on 21st March, 2015. In response thereto the Committee received several memoranda containing suggestions from various political parties/ organisations/ individuals / experts (*Annexure I*). The memoranda so received were placed for the consideration of the Committee.

3. The Committee heard the views of Additional Secretary, Legislative Department, Ministry of Law and Justice and Deputy Election Commissioner, Election Commission of India during its meeting held on 10th March, 2015. The Committee then heard the views of Dr. Jayaprakash Narayan, General Secretary, Lok Satta during its meeting held on the 26th May, 2015.

4. The Committee interacted with the representatives of All India Trinamool Congress, All India Forward Block, Revolutionary Socialist Party, Shiv Sena, Maharashtra Navnirman Sena, Indian National Congress (Andhra Pradesh), Bharatiya Janata Party (Andhra Pradesh and Telangana), Telugu Desam Party, YSR Congress, All India Majlis-e-Ittehadul-ul-Muslimeen, Communist Party of India (Andhra Pradesh and Telangana), All India Anna Dravida Kazhagam, Desiya Murpokku Dravida Kazhagam, Dravida Munnetra Kazhagam, Indian Union Muslim League and All India NR Congress during its study visit to Kolkata, Mumbai, Hyderabad and Chennai from 14th to 23rd June, 2015 and heard the views of Shiromani Akali Dal and Indian National Lok Dal during its study visit to Chandigarh from 24th to 26th August, 2015.

5. The Committee received written views from All India Trinamool Congress, Indian National Congress (Andhra Pradesh), All India Majlis-e-Ittehadul-ul-Muslimeen, Communist Party of India, All India Anna Dravida Kazhagam, Desiya Murpokku Dravida Kazhagam, Indian Union Muslim League, Zoram National Party, Uttarakhand Kranti Dal, Nationalist Congress Party and Shiromani Akali Dal which are annexed to the Report.

6. While considering the Subject, the Committee took note of the following documents/information placed before it:-

- (i) Background note on the Subject submitted by the Legislative Department;
- (ii) Background note on the Subject submitted by the Election Commission of India;
- (iii) Views/suggestions contained in the memoranda received from various organisations/institutions/ individuals/experts and National and State Political Parties on the Subject;
- (iv) Views expressed during the oral evidence tendered before the Committee by various official and non-official witnesses;

- (v) Constitution of India;
- (vi) Representation of People Act, 1950;
- (vii) Representation of Peoples Act, 1951;
- (viii) Registration of Electors Rules, 1960;
- (ix) Conduct of Election Rules, 1961;
- (x) The Fixed Term Parliaments Act, 2011 of U.K.;
- (xi) One Hundred Seventieth Report of Law Commission of India on Electoral Laws (1999);
- (xii) Sarkaria Commission Report on Centre-State Relations (1988);
- (xiii) Supreme Court Judgement on S.R. Bomai vs. Union of India (AIR 1994 SC 1918); and
- (xiv) Statistical Handbook (2014) published by Ministry of Parliamentary Affairs, Government of India.

7. The Committee considered and adopted its Report in its meeting held on the 15th December, 2015.

8. For the facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;
15th December, 2015

(Dr. E.M. SUDARSANA NATCHIAPPAN)
Chairman,
Department-related Parliamentary Standing Committee
on Personnel, Public Grievances, Law and Justice
Rajya Sabha

ACRONYMS

ECI	–	Election Commission of India
EPIC	–	Elector Photo Identity Card
EVMs	–	Electronic Voting Machines
VVPAT	–	Voter-Verified Paper Audit Trail
MCC	–	Model Code of Conduct
IUML	–	Indian Union Muslim League
CAPF	–	Central Armed Police Force
DMDK	–	Desiya Murpokku Dravida Kazhagam
AIADMK	–	All India Anna Dravida Munnetra Kazhagam
AGP	–	Asom Gana Parishad
SAD	–	Shiromani Akali Dal
INC	–	Indian National Congress
AITC	–	All India Trinamool Congress
NCP	–	Nationalist Congress Party
CPI	–	Communist Party of India
AIMIM	–	All India Majlis-e-Ittehadul Muslimeen

REPORT

1.0. In democratic polity, election is held at regular interval to choose legislators/rulers for a fixed tenure. In our country the task of holding free and fair election at regular interval is assigned to Election Commission of India (ECI) and State Election Commissions under Articles 324 and 243K of the Constitution, respectively.

1.1 While the election to either Houses of Union Parliament and House or either Houses of State Legislature *inter-alia* is the main responsibility of the ECI, the election to local bodies (Panchayati Raj Institutions, Corporations/Municipalities, etc.) is vested with State Election Commission of the concerned State.

1.3 Having regular election in a country of sub-continental dimensions and immense cultural diversities, by the ECI in free and fair manner is a daunting task, which that body has been discharging without avoidable delay. The ECI has introduced several measures to ensure free and fair elections *viz* introduction of Elector Photo Identity Card (EPIC), periodic revision of Electoral Rolls, tamper proof Electronic Voting Machines (EVMs), Voter-Verified Paper Audit Trail (VVPAT), multi-phase polls, etc.

Constitutional Provision regarding Term of House of People and State Legislative Assemblies

2.0. Article 83 of the Constitution of India provides for the tenure of both Houses of the Parliament. Article 83(2) provides for a term of five years for the House of People, from the date of its first sitting unless dissolved earlier. Similar provisions under Article 172 (1) provides for five year tenure for State Legislative Assembly from the date of its first sitting.

2.1. Article 85 (2)(b) of the Constitution of India provides the President with the power to dissolve the House of the People. Similar provision for dissolution of State Legislative Assemblies by the Governor of the State is provided under Article 174 (2)(b) of the Constitution. Further, in the event of a State being under President's Rule as provided under Article 356 of the Constitution of India, the Legislative Assembly of the said State may be prematurely dissolved by the President.

2.2 In Parliamentary form of Government the Executive derives its legitimacy from the legislature and remains in power as long as it enjoys the confidence of the latter. Unlike the Presidential form of government, the term of government in Parliamentary form of government is usually coterminous with the term of the Lower House but it remains in power as long as it enjoys confidence of that House. It can fall any time with the passage of non-confidence motion in that House. Thus fall of elected government even though is contemplated in the Constitution but cannot be predicted.

2.3. The proviso to Article 83 (2) of the Constitution provides that when a proclamation of emergency is in operation, the term of the House can be extended for a period not exceeding one year at a time by Parliament by law and not extending in any case beyond a period of six months after the Proclamation has ceased to operate. Similar provision also exists for State Legislative Assembly under the proviso to Article 172 (1) of the Constitution. It may be noted that the tenure of the House cannot be extended at any cost except in emergency situation but it can be prematurely dissolved before expiration of its tenure.

Responsibility for Conduct of Elections to House of People and State Legislative Assemblies

2.4. Article 324 of the Constitution of India provides that the superintendence, direction, control and conduct of all elections to Parliament, State Legislatures, President and Vice-President shall be vested in the Election Commission of India. To facilitate the conduct of elections by the Election Commission of India, the Parliament has enacted the Representation of People Act, 1950 and Representation of People Act, 1951 and the Rules framed thereunder, viz., Registration of Electors Rules, 1960 and Conduct of Election Rules, 1961. The budgetary allocation for conduct of elections and functioning of the Election Commission of India is provided as a separate grant under the Demands for Grants of the Ministry of Law and Justice. The expenditure is voted expenditure.

3. The General Election to all Sixteen Lok Sabha along with their dates of constitution and dissolution since 1952 is given in the table below:

Table-I

*Dates of Poll, Constitution, First Sitting, Expiration of the term
and Dissolution of Lok Sabha since 1952*

(First to Sixteenth Lok Sabha)

Lok Sabha	Last Date of poll	Date of the constitution of Lok Sabha	Date of constitution of Government/ Cabinet	Date of the first sitting	Date of expiration of term {Article 83 (2) of the Constitution}	Date of dissolution of Lok Sabha
1	2	3	4	5	6	7
First	21.02.52	02.04.52	13.05.52	13.05.52	12.05.57	04.04.57
Second	15.03.57	05.04.57	17.04.57	10.05.57	09.05.62	31.03.62
Third	25.02.62	02.04.62	10.04.62	16.04.62	15.04.67	03.03.67
Fourth	21.02.67	04.03.67	13.03.67	16.03.67	15.03.72	*27.12.70
Fifth	10.03.71	15.03.71	18.03.71	19.03.71	18.03.77	*18.01.77
Sixth	20.03.77	23.03.77	24.03.77	25.03.77	24.03.82	*22.08.79
Seventh	06.01.80	10.01.80	14.01.80	21.01.80	20.01.85	31.12.84
Eighth	28.12.84	31.12.84	31.12.84	15.01.85	14.01.90	27.11.89
Ninth	26.11.89	02.12.89	02.12.89	18.12.89	17.12.94	*13.03.91
Tenth	15.06.91	20.06.91	21.06.91	09.07.91	08.07.96	10.05.96
Eleventh	07.05.96	15.05.96	16.05.96	22.05.96	21.05.01	*04.12.97
Twelfth	07.03.98	10.03.98	19.03.98	23.03.98	22.03.03	*26.04.99

1	2	3	4	5	6	7
Thirteenth	04.10.99	10.10.99	13.10.99	20.10.99	19.10.04	*06.02.04
Fourteenth	10.05.04	17.05.04	22.05.04	02.06.04	01.06.09	18.05.09
Fifteenth	13.05.09	18.05.09	22.05.09	01.06.09	31.05.14	18.05.14
Sixteenth	12.05.14	18.05.14	26.05.14	04.06.14	03.06.19	

* Mid-term polls were held, Dissolution took place even before the elections.

Last dates of Poll in column (2) are based on reports of Election Commission.

{Source: Statistical Handbook (2014) published by Ministry of Parliamentary Affairs, Government of India}

Cycle of Simultaneous Elections

4. First General Elections to House of People (Lok Sabha) and all State Legislative Assemblies were held simultaneously in 1951-52. That practice continued in three subsequent General Elections held in the years- 1957, 1962 and 1967. However, due to the premature dissolution of some Legislative Assemblies in 1968 and 1969, the cycle got disrupted. In 1970, the Lok Sabha was itself dissolved prematurely and fresh elections were held in 1971. Thus, The First, Second and Third Lok Sabha enjoyed full five year terms. The term of the Fifth Lok Sabha was extended till 1977 under Article 352. After that, the Eighth, Tenth, Fourteenth and Fifteenth Lok Sabha could complete their full five year terms. The Sixth, Seventh, Ninth, Eleventh, Twelfth and Thirteenth Lok Sabha was dissolved prematurely. As a result of premature dissolutions and extension of terms of both the Lok Sabha and various State Legislative Assemblies, for the last forty eight years there have been separate elections to Lok Sabha and States Legislative Assemblies and the cycle of simultaneous elections has been disturbed.

Precedent of Simultaneous elections to Federal and Provincial Legislatures in other countries

5. In South Africa, elections to national as well as provincial legislatures are held simultaneously for five years and municipal election are held two years later. In Sweden election to national legislature (Riksdag) and provincial legislature/county council (landsting) and local bodies/municipal Assemblies (Kommunfullmaktige) are held on a fixed date *i.e.* second Sunday in September for four years (last was held on 14th September, 2014 and the forthcoming one is slated on 9th September, 2018).

Need for Holding Simultaneous Elections

6.0. The need for simultaneous election to Lok Sabha and Legislative Assemblies has been felt by the electorate as elections have become big budget affair and expensive and in most of the cases expenditures by the candidates are exceeding the ceiling fixed by the ECI. The Law Commission of India headed by Hon'ble Justice B.P. Jeevan Reddy in its One Hundred Seventieth Report on Reform of Electoral Laws (1999) has suggested simultaneous elections to Lok Sabha and State Legislative Assemblies for the sake of stability in governance. The relevant portions of the said Report is reproduced below:-

"x x x x This cycle of elections every year, and in the out of season, should be put an end to. We must go back to the situation where the elections to Lok Sabha and all the Legislative Assemblies are held at once. It is true that we cannot conceive or provide for all the situations

and eventualities that may arise whether on account of the use of Article 356 (which of course has come down substantially after the decision of Supreme Court in S.R. Bommai vs. Union of India) or for other reasons, yet the holding of a separate election to a Legislative Assembly should be an exception and not the rule. The rule ought to be one election once in five years for Lok Sabha and all the Legislative Assemblies". (Para 7.2.1.1 of LCI's 170th Report)

6.1 In the current disposition, the Election Commission holds multiple elections every year. Most recently, elections were held to the Lok Sabha and four State Legislative Assemblies viz. Andhra Pradesh, Odisha, Arunachal Pradesh and Sikkim in March-May 2014. Elections to the Assemblies of Maharashtra and Haryana were held in September-October, 2014 and later, elections to the Legislative Assembly of Jharkhand were held in November- December 2014. These elections are held in multiple phases and the country incurred huge expenditure for conducting those elections. Apart from these, several bye-elections were also held. This also imposes a huge burden on the exchequer.

6.2 There are several justifications for holding simultaneous elections. Firstly, it would reduce the massive expenditure incurred for conduct of separate elections every year. Presently, the cost of holding elections for Lok Sabha and Legislative Assemblies of States and UTs has been pegged at ₹4500 crore by the ECI.

6.3 Secondly, elections lead to imposition of Model Code of Conduct (MCC) in the poll bound State/ area. The imposition of MCC puts on hold the entire development programme and activities of the Union and State Governments in the poll bound State. It even affects the normal governance. Frequent elections lead to imposition of MCC over prolonged periods of time. This often leads to policy paralysis and governance deficit.

6.4 Thirdly, frequent elections lead to disruption of normal public life and impact the functioning of essential services. Holding of political rallies disrupts road traffic and also leads to noise pollution. If simultaneous elections are held, this period of disruption would be limited to a certain pre-determined period of time.

6.5 Lastly, it would free the crucial manpower which is often deployed for prolonged periods on election duties. For example, the 2014 Lok Sabha elections which were held along with State Assembly Elections in Odisha, Andhra Pradesh, Sikkim and Arunachal Pradesh was spread over nine phases and 1077 *in situ* companies and 1349 mobile companies of Central Armed Police Force (CAPF) were deployed.

Suggestions of Election Commission of India

7.0 The Election Commission of India has suggested the following for the conduct of simultaneous elections:

"x x x Some options that may be considered x x x could be to amend the Constitutional provisions to the following effect:

- (i) The term of the Lok Sabha would normally commence and expire on a particular date (and not on the date on which it completes five years from the date of its first sitting);*
- (ii) The period for general election to constitute the new House to be so determined that the Lok Sabha could commence its term on the pre-determined date.*

(iii) *In order to avoid premature dissolution, it may be provided that any 'no-confidence motion' moved against the government in office should also necessarily include a further 'confidence motion' in favour of a government to be headed by a named individual as the future Prime Minister and voting should take place for the two motions together;*

(iv) *In spite of the above arrangement, if there is a situation where dissolution of Lok Sabha cannot be avoided, then the following options can be considered:*

(a) *If the remainder of the term of the Lok Sabha is not long (period to be specified), there could be a provision for the President to carry out the administration of the country, on the aid and advice of his Council of Ministers to be appointed by him till, the time the next House is constituted at the prescribed time.*

(b) *If the remainder of the term is long (period to be specified), then fresh election may be held and the term of the House in such case should be for the rest of what would have been the original term.*

(v) *The terms of all State Legislative Assemblies should also normally come to an end on the date on which term of the Lok Sabha is expiring. That may also mean, to begin with as one time measure, that the term for the existing Legislative Assemblies will have to be either extended beyond five years or curtailed so that fresh elections can be held simultaneously with Lok Sabha election.*

(vi) *In the case of Legislative Assembly also, in the event of 'no-confidence motion', it should be mandatory to simultaneously move a 'confidence motion' for formation of an alternative government. This will, in normal course, eliminate cases of premature dissolution of Assemblies. If for any unavoidable reason, any existing Legislative Assembly has to be dissolved prematurely, there should be a provision for the Governor to carry out the administration of the State, on the aid and advice of his Council of Ministers to be appointed by him, or for the imposition of the President's Rule, till period of expiry of term.*

(vii) *If, following a general election, none of the parties is able to form a government and another general election becomes necessary, the term of the House in such case after the fresh election should be only for the remainder of what would have been the original term. Similarly, if the government has to resign for some reason and an alternative is not possible, then provision can be considered for a fresh election if the remainder of the term is comparatively longer period (to be specified) and in other cases, rule by the Governor or President's Rule as suggested in (vi) above could be considered.*

(viii) *Two windows of one-and-a-half months each may be fixed for holding all bye-elections that become due in a particular year.*

If it is considered that the above proposals for having uniform and synchronised term for Lok Sabha and Legislative Assemblies are not feasible, an alternative proposal would be to consider provisions to have all elections, falling due in a year together in a particular period of the year. In this arrangement, the advantage would be that the general elections to various Legislative Assemblies falling due in a year will be held together and not at different periods in the year. In

the year in which the Lok Sabha election is due , all the Assembly elections of that year may also be held. This arrangement will also require the amendments discussed above as well as extension or curtailment of the term of some of the Houses as a one-time measure x x x"

7.1 The ECI has also pointed out several difficulties which might be encountered for conducting simultaneous elections. The chief issue highlighted by them is that simultaneous conduct of elections would require large scale purchase of Electronic Voting Machines and Voter Verifiable Paper Audit Trail (VVPAT) machines. For conducting simultaneous elections, the Commission expects that a total of rupees 9284.15 crores will be needed for procurement of EVMs and VVPATs. The machines would also be need to be replaced every fifteen years which would again entail expenditure. Further, storing these machines would increase the warehousing cost.

Suggestions Received from Stakeholders during study-visit

8. Gist of views/suggestions expressed by Political Parties and other stakeholders during study visit are as under:-

Almost all political parties who appeared before the Committee felt that simultaneous elections to Lok Sabha and State Legislative Assemblies is a cost effective noble proposition but difficult to implement because of our Constitutional arrangement. A conjoint reading of Articles 83(2) and 172(1) of Constitution makes it clear that tenure of Lok Sabha and State Legislative Assemblies cannot be extended beyond five years except in the case of proclamation of emergency. In case simultaneous elections were to be conducted either the tenure of Lok Sabha or some of the State Legislative Assemblies has to be extended beyond five years which is not permissible under aforesaid Articles of the Constitution. The Government of the day need to enjoy the confidence of the House during its entire tenure. It can fall due to loss of majority at any point of time during that tenure.

Neither the Lok Sabha nor the State Legislative Assemblies could be prematurely dissolved to synchronize General Elections to Lok Sabha and State Legislative Assemblies.

Neither the simultaneous election to Lok Sabha and State Legislative Assemblies nor mid-term poll is contemplated in the Constitution. But simultaneous elections for Lok Sabha and State Legislative Assemblies continued till 1967. Mid-term polls have been resorted to as a political necessity under Article 356 of Constitution.

Electors choose the Government for five years but Government falls for practical reasons. The will of the people should be respected at any cost. It should be common endeavour to avoid mid-term poll. Constructive no-confidence should be utilized.

Political parties are on toes to face elections almost every year. There may be election to Legislative Assemblies. Zila Parishad, Nagar Panchayat, Co-operative Banks etc. for which Election Commission of India impose model code of conduct disrupts the pace of development. It was suggested to hold one election for Lok Sabha, State Legislative Assembly and Panchayat Raj Institution. The practice of having common ballot for many posts in United States of America may be implemented to avoid multiple elections in the country.

Premature dissolution of Legislative Assemblies happened mainly due to coalition politics and imposition of President's Rule. However, indiscriminate use of President's rule by the Union Government has been regulated after guidelines issued by Supreme Court in S.R. Bommai case. Political parties have developed maturity to complete the full tenure of the House even in the coalition politics.

Simultaneous election will reduce poll expenditure of Government as well as of political parties. It will also ensure increase of poll percentage, reduction of public holidays on account of election and above all good governance giving more time to the elected Government to fulfil its election promises.

For holding simultaneous election the tenure of Lok Sabha and State Legislative Assembly is to be fixed for five years. The experiment of House of Commons of United Kingdom in passing the Fixed-term Parliaments Act, 2011 has been referred to where mid-term poll could be held only if two-third majority of House of Commons vote for fresh election or an alternative Government is not formed within fourteen days. They have specified the poll date for the first Thursday in May in the fifth calendar year.

Constructive no confidence motion for alternative Government should be made mandatory while piloting no confidence motion in the House.

In case of premature dissolution of Lok Sabha or State Legislative Assembly, if mid-term election became essential, the tenure of the House should be for remaining period.

Along with simultaneous election, other aspects of electoral reforms viz., Paid News, State Funding of election, e-voting should also be discussed.

Written submissions of Recognized Political Parties

9.0. All India Anna Dravida Munnetra Kazhagam (AIADMK) has extended its support to the idea in principle. It has stated the following:

"x x x However, there are likely to be some key issues which would have to be resolved before such a practice can be adopted. It entails that the Lok Sabha and the State Assemblies would have a fixed term. This is similar to the fixed Term Parliaments Act, 2011 in the UK, where the elections have been fixed for every five years and the elections can be held prior to that only if:-

Two-thirds of the majority of the House of Commons vote for fresh elections; or

The Government falls because of a vote of no-confidence, and another Government cannot pass a confidence motion within fourteen days.

Having simultaneous elections in India would mean that both the Lok Sabha and State Assemblies should first be given a fixed term. Together with the fixed term, fixed dates of election and counting should also be announced as in the case of the Presidential Election in the United States. This will enable the political parties to prepare themselves well for the elections. Further, the dates will not be left to the whims of the Election Commission of India, who suddenly call

for a Press Meet and announce the Election schedule, from which time the Model Code of Conduct comes into force.

However, even after that further problems will arise Firstly, in adjusting the residual time period of the existing State Assemblies which are currently not coterminous with the Lok Sabha. Will the terms of these Assemblies be extended or cut short? Norms would have to be worked out for this. This is particularly relevant since a large number of States including Tamil Nadu will go to the polls before the next Parliament Elections scheduled in 2019. It could mean that the next Legislative Assembly in Tamil Nadu may have a tenure only from 2016 to 2019, while Uttar Pradesh, Punjab, Goa, etc. will have tenures from 2017 to 2019, and Bihar from 2015 to 2019. These aberrations are inevitable if a policy of simultaneous elections is adopted x x x".

9.1. Asom Gana Parishad (AGP) has stated that it supports the idea of holding simultaneous elections as it would reduce financial burden on small parties and reduce the time period for which the MCC is applied to the States which often leads to policy paralysis and slow down the implementation of developmental programmes.

9.2. The Indian Union Muslim League (IUML) has supported the idea of holding simultaneous elections in the country and has stated that it would lead to significant saving in time, energy and resources of the country.

9.3. Desiya Murpokku Dravida Kazhagam (DMDK) has supported the proposal of holding simultaneous elections. It has given the following suggestions for the implementation of the idea:-

"x x x In the Constitution of India, there is provision that a member elected in the bye election can hold office for the remaining period of term only, whether it is for the Rajya Sabha/Lok Sabha or for Legislative Assembly. Similarly General Election are conducted whenever Parliament/Assembly is dissolved or resigned prematurely. The Government thus formed has the right to rule for complete five years instead of the remaining period. This should not be like this. If a Government is formed after premature dissolution, its term should be fixed for the remaining period only. Only then it will ensure the conduct of elections simultaneously for Parliament or Assembly x x x"

9.4. Shiromani Akali Dal (SAD) while supporting the idea has submitted the following:-

"x x x Although we are in favour of simultaneous election of Parliament as well as State Assemblies but still there are some debatable points given below:-

An important point needs to be considered is that in case if in some State a hung Assembly is formed, as recently happened in Delhi, what mechanism will be available? As President Rule in such a situation cannot be imposed for the remaining full term of the Legislative Assembly. And if there happens to be a re-election due to any factor what should be the term of the Assembly thus constituted? Such solution needs to be clarified in time so as to implement the new policy.

In View of the reasons stated above, Shiromani Akali Dal supports the holding of Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies in Public Interest."

9.5. The Indian National Congress (INC) has stated that:-

"x x x The proposal of holding simultaneous elections, ideal as it may sound is impractical, unworkable and can lead to a scenario where the necessary balance in Indian democracy given the diversity of the country is lost."

9.6. All India Trinamool Congress (AITC) has rejected the idea and has stated that the Constitution of India provides a tenure of five years for the Lok Sabha and State Legislative Assemblies which can be dissolved prematurely but the terms can be extended only if National Emergency has been proclaimed. Further, the party has stated that postponement of elections is anti-democratic and unconstitutional. However, the party has submitted that it supports holding of simultaneous elections to Panchayats and Municipal bodies.

9.7. The Communist Party of India (CPI) has stated the following:-

" x x x This proposal looks ideal. But there are many practical problems. There will be midterm polls in States, due to political instability in the States. The terms of such Legislative Assemblies cannot be reduced, to have simultaneous elections to Legislative Assemblies and Parliament. It will be undemocratic. There is a possibility of midterm poll for Parliament also, due to ruling party losing majority, as it happened earlier. To conduct the elections simultaneously all the Legislative Assemblies can not be unilaterally abolished for no fault of them. This idea is unscientific and impracticable. We are of the considered view that in the present situation we do not consider it feasible to conduct elections to both the Houses at one go x x x"

9.8. All India Majlis-e-Ittehadul Muslimeen (AIMIM) in its written submission has stated that:-

"x x x this backdrop, we feel that there exists little feasibility of holding simultaneous elections to the Lok Sabha and all the State Legislative Assemblies in the current complex political scenario in the country and in the backdrop of the existing provisions in the Constitution. Even amending certain Articles of the Constitution would not be enough to ensure simultaneous polls. Fractured verdicts or unstable governments cannot be avoided in any democracy and Indian democracy is no exception."

9.9. Nationalist Congress Party (NCP) has stated that holding elections of Lok Sabha and State Assemblies simultaneously is not feasible.

10.0. Foundation for Democratic Reforms submitted a detailed memoranda on the Subject to the Committee wherein it has supported the implementation of simultaneous elections in the country. It has stated that simultaneous elections would reduce the disruption in governance as governments would not be driven by populist measures and would not be hindered by implementation of MCC, reduce the burden on the exchequer, increase the voter turnout and reduce the burden on the staff from various government departments. It has suggested that the concept of constructive vote of no confidence needs to be implemented in order to provide stability of tenure to governments. It has suggested that in order to avoid bye-elections, any vacancy may be filled by the Governor by appointing a person from the same party, drawn from a list of three nominees of the party. However, it has further stated that even these two measures would serve limited purpose and would require constitutional amendments. It has stated that in the

Westminster model, simultaneous elections cannot be guaranteed in the long term. It has suggested holding direct elections for the State Executive and separation of powers at State level in order to synchronize the elections.

10.1. The Committee also received several memoranda from the general public wherein almost all of them have supported the idea of holding simultaneous elections to Lok Sabha and State Legislative Assemblies. However, very few memoranda were received which detailed the method of implementation of this idea. One of the suggestions received is that elections to those Legislative Assemblies whose terms end six months prior to or six months after the term of the Lok Sabha, may be combined with the General Elections scheduled to be held in 2019. As per his analysis, elections to twelve States namely- Andhra Pradesh, Arunachal Pradesh, Chhattisgarh, Haryana, Jharkhand, Madhya Pradesh, Maharashtra, Mizoram, Odisha, Rajasthan, Sikkim and Telangana- can be held along with the General Elections in May, 2019.

10.2. It can be seen that most of the political parties and other stakeholders with whom the Committee interacted or received written submissions from, are in support of the idea holding simultaneous elections in principle. The parties which have disagreed with the proposal have done so as they feel that it is against the current constitutional and statutory framework.

The Representation of People Act, 1951

11.0. The Act enacted by the Parliament covers the various modalities of conducting elections in the country. It provides the statutory basis for the Election Commission of India to conduct elections in the country. It prescribes the qualifications for being elected as a Member of Parliament or Member of State Legislatures, general procedure to conduct elections, the method of counting of votes, publication of results, resolution of disputes arising of elections, etc. Section 14 of the Act provides for the notification for General Elections to the House of People. The proviso to the Section 14(2) states that:-

"x x x Provided that where a general election is held otherwise than on the dissolution of the existing House of the People, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of the House would expire under the provisions of clause (2) of Article 83."

11.1. Section 15 (2) of the Act provides a similar provision for State legislatures. This means that the Election Commission of India can notify the elections to both the Lok Sabha and State Legislative Assemblies six months prior to the end of the normal terms of the Houses. This would not alter the term of the Houses in any way.

Fixed-term Parliaments Act, 2011— A Novel Experiment

12.0. The Act was passed by the British Parliament and it received royal assent on 15 September, 2011. The Act seeks to provide a sense of stability and predictability to British Parliament and its tenure. The Act provided that the first elections would be held on the 7th May, 2015 and on the first Thursday of May every fifth year thereafter. The fixation of date of elections means that the Parliament cannot extend beyond five years and that the normal cycle is restored to five years. Section 2 of the Act provides for early elections when either of the following conditions is met:

If a motion for an early general election is agreed either by at least two-thirds of the whole House (including vacant seats) or without division; or

If a motion of no confidence is passed and no alternative government is confirmed by the Commons within fourteen days by means of a confidence motion.

12.1. Thus, the Act tries to provide some stability of tenure to the British Parliament in order to avoid early election.

Constructive no Confidence: A measure to ensure stability of the Legislature

13.0. Article 67 of Basic law for Federal Republic of Germany proposes constructive vote of non-confidence.

"Article 67 (constructive vote of no confidence):

(1) The Bundestag may express its lack of confidence in the Federal Chancellor only by electing a successor with the majority of its Members and requesting the Federal President to dismiss the incumbent. The Federal President must comply with the request and appoint the person elected.

(2) Forty-eight hours must elapse between the motion and the vote."

13.1. The Law Commission of India in its One Hundred Seventieth Report on Reform of Electoral Laws (1999) has also suggested simultaneous motion of non-confidence in the incumbent government as well as confidence in alternative government by interesting Rule 198A in the Rules of Procedure and Conduct of Business in the Lok Sabha to eliminate the need for midterm election and ensure stability of government. The relevant paras of Law Commission of India Report is reproduced as under:

"x x x We also recommend that the Hon'ble Speaker of the Lok Sabha may introduce a new rule, Rule 198A, in the Rules of Procedure and Conduct of Business in the Lok Sabha to the following effect :

Rule 198-A (1) Once a no-confidence motion is taken up for discussion and voted upon as contemplated by sub-rules (3) and (4) of Rule 198, no fresh motion expressing want of confidence in the Council of Ministers shall be permitted to be made for a period of two years from the date of voting upon such motion.

(2) Once a motion expressing confidence in the Council of Minister is made pursuant to the direction of the President, no motion expressing want of confidence in such Council of Ministers shall be permitted to be moved for a period of two years.

(3) No leave shall be granted under Rules 198 to a motion expressing want of confidence in the Council of Ministers, unless it is accompanied by a motion expressing confidence in a named individual.

Both the motions shall be considered and discussed simultaneously and voted upon. Each member shall have two votes. Unless the motion expressing confidence in a named individual is passed by a majority, the result of the voting upon the motion expressing want of confidence in the Council of Ministers shall not be given effect to, even when it is passed by a majority.

Similar amendments may also be made by the Speakers of Legislative Assemblies in the respective Rules of procedure governing the proceedings in their Legislative Assemblies x x x". (para 9.27 of LCI's 170th Report)

President's Rule and Simultaneous Election

14.0 The Committee notes that proclamation of President's Rule in States under Article 356 of the Constitution, by the Union Government has been made more than one hundred times since commencement of the constitution either to:

- (i) dismiss the elected government of the State and dissolve the State Legislative Assembly; or
- (ii) put the State Legislative Assembly under suspended animation for certain period.

14.1. As reported in Sarkaria Commission Report on Centre-State Relations (1988), Article 356 was used sparingly (only twelve times) till 1967 (Fourth General Election) starting with State of Punjab in 1951. It was frequently used as many as sixty two times in next eighteen years after Fourth General Election. It was used as an instrument to handle constitutional crisis emerging after the fall of elected government due to dissension or defection in ruling party of the State during the period between 1970s and 1980s.

14.2. There are even many instances where State Legislatures of as many as nine States (Bihar, Punjab, Haryana, Himachal Pradesh, Uttar Pradesh, Madhya Pradesh, West Bengal, Odisha and Rajasthan) were dissolved even though the then Government of those States was enjoying confidence of those State Legislature in 1977 and 1980, after Sixth and Seventh General Elections to Lok Sabha on the wrong premises that election to Lok Sabha has disclosed that people have lost faith in parties which were holding offices in those States. The Sarkaria Commission has noted that President's Rule imposed in thirteen cases where the Government of those States was enjoying the support of State Legislature. Furthermore, in more than fifteen cases option for formation of alternative government was denied before imposition of President's Rule. That Commission found twenty six instances (out of seventy five cases at that time) where proclamation of state emergency was inevitable: That Commission has recommended a series of measures to prevent *malafide* use of President's Rule which led to premature dissolution of State Legislative Assemblies at the instance of Union Government.

One Hundred Seventieth Report of Law Commission of India

15. The Committee further took note of the One Hundred Seventieth Report of the Law Commission of India on 'Reform of the Electoral Laws' (1999) which dealt with the achieving the objective of one election in five years for the Lok Sabha as well as for the State Legislative Assemblies. While concluding its findings, the Commission admitted that the desired goal of one election in every five years cannot be achieved overnight in the prevailing circumstances. It has to be achieved in stages. The Commission had *inter alia* suggested:

Advancing the elections of some Legislative Assemblies by making necessary orders so that it can be held with the election of Lok Sabha;

The elections to other Legislative Assemblies may be held by making similar adjustments in

phases with a view to reducing its frequency until the desired goal of one election for Lok Sabha and to all the Legislative Assemblies simultaneously is achieved;

If all the political parties co-operate, the necessary steps can be taken without hurting the interest of any political party;

May be, a constitutional amendment can solve the problem. Such an amendment can also provide for extending or curtailing the term of one or more Legislative Assemblies say for six months or so wherever it is necessary to achieve the said goal.

If feasible, more appropriate solution may be to hold elections to Lok Sabha/ Legislative Assemblies simultaneously but to withhold the results of elections till after the expiry of term of the Legislative Assembly concerned - the interval not exceeding six months.

Recommendations/Observations of the Committee

16.0 The Committee notes that out of Sixteen Lok Sabha as many as seven Lok Sabha elected in 1969,1977,1980, 1984,1996,1998 and 1999 witnessed pre-mature dissolution due to emergence of coalition government. Their tenure spread between four years to thirteen months. Out of those seven Lok Sabha, two Lok Sabha were dissolved before their tenure in 1971 or 1980 while the then Government, was having the confidence of Lok Sabha. Lately, the legislatures have been completing their full term .

16.1.The Committee observes that the enactment of Anti-Defection Act, 1985 has helped to prevent political defection in the ruling party which have direct bearing upon the term of the Legislature. Further a Constitutional Bench of nine judges of the apex Court in the case of S.R. Bomai vs. Union of India (AIR 1994 SC 1918) while interpreting import and ambit of the expressions - "the Government of the State cannot be carried on in accordance with the provisions of this Constitution" under Article 356 has laid down certain guidelines circumscribing the conditions for proclamation of President's Rule by the Union Government. That judgment has *inter-alia* laid down that (i) the dissolution of State Legislative Assembly by the President of India is subject to approval of both Houses of Parliament; and (ii) validity of proclamation of President's Rule is subject to judicial Review. In effect, the President can put Legislative Assembly in suspended animation but cannot dissolve it without concurrence of both Houses of Parliament. The Judiciary can examine validity of such proclamation and restore the dismissed State Government and revive dissolved Legislative Assembly if Article 356 is found to be *malafide* in its use. Those two instruments have strengthened federal structure of our polity by striking proper constitutional equilibrium between the Union and State Governments.

16.2.The Committee notes that pre-mature dissolution of State Legislative Assemblies are no more on the whim and fancies of the Union Government or even upon political parties but are regulated largely by Anti-Defection Act, 1985 and apex Court judgement in S.R. Bombai case. It is used as a last resort where proclamation of the same is inevitable. It has been used where mandate of people is fractured having limited scope of government formation as recently happened in Delhi in 2014.

17.0. The Committee does not feel that simultaneous election in every five year cannot be held in near future but slowly it would reach in stages for which tenure of some of the State Legislative Assemblies need to be curtailed or extended. Extension of term of Legislature is not permissible except under proclamation of emergency. But election to Lok Sabha/State Legislative Assemblies can be held six months before under Sections 14 & 15 of the Representation of People Act, 1951. The Law Commission of India in its One Hundred and Seventieth Report has suggested that election of some of Legislation Assemblies where term is ending six months after the General election to Lok Sabha can be clubbed with it but election result can be declared at the end of their tenure This can be possible with the cooperation of political parties which represents political will of the people.

17.1. It may be noted that elections were held to the Lok Sabha and four State Legislative Assemblies viz. Andhra Pradesh, Odisha, Arunachal Pradesh and Sikkim in March-May 2014. The elections to these State Legislative Assemblies will coincide with the general elections scheduled to be held in 2019. Further, elections to Haryana and Maharashtra State Legislative Assemblies are scheduled to be held within six months of the General Elections in 2019. The rest of the State Legislative Assemblies have to be constituted with minimum aberrations. Still there will be many States where elections cannot be held/ synchronized with Lok Sabha. An attempt has been made to reduce the frequency of elections.

17.2. The Committee recommends an alternative and practicable method of holding simultaneous elections which involves holding of elections in two phases. The Committee has envisaged holding of elections of some Legislative Assemblies at midterm of Lok Sabha and remaining with the end of tenure of Lok Sabha. The proposed first phase could be held in November, 2016. Elections to all State Assemblies whose terms end prior to or after a time period of six months to one year from the appointed election date can be clubbed together. The terms of some State Legislative Assemblies may need to be extended while some of them may need to be curtailed. Under Sections 14 and 15 of Representation of People Act, 1951, Election Commission can notify the elections to Lok Sabha and State Legislative Assemblies six months prior to the end of their natural terms, respectively. This provision may be used to hold elections without extension of terms of some Assemblies. Similarly, the second phase of elections can be held in 2019 along with the General Elections to Lok Sabha. A representative table of the proposal is given below:-

Table-II
(Election Schedule in India)
Election to be held 15.11.2016

Phase 1

Sl. No.	State Assembly	Tenure Ending on	Days to be Extended (+)/ Curtailed (-)
1	West Bengal	29-May-16	170
2	Kerala	31-May-16	168
3	Puducherry	2-Jun-16	166

Sl. No.	State Assembly	Tenure Ending on	Days to be Extended (+)/ Curtailed (-)
4	Tamil Nadu	22-May-16	177
5	Assam	5-Jun-16	163
6	Uttarakhand	8-Mar-17	-113
7	Manipur	11-Mar-17	-116
8	Goa	18-Mar-17	-123
9	Punjab	18-Mar-17	-123
10	Uttar Pradesh	27-May-17	-193
11	Himachal Pradesh	7-Jan-18	-418
12	Gujarat	22-Jan-18	-433
13	Meghalaya	6-Mar-18	-476
14	Tripura	10-Mar-18	-480
15	Nagaland	13-Mar-18	-483
16	Karnataka	28-May-18	-599

Election to be held 03.06.2019

Phase 2

Sl. No.	State Assembly	Tenure Ending on	Days to be Extended (+)/ Curtailed (-)
1	Mizoram	15-Dec-18	170
2	Chhattisgarh	5-Jan-19	149
3	Madhya Pradesh	7-Jan-19	147
4	Rajasthan	20-Jan-19	134
5	Andhra Pradesh	14-Jun-19	-11
6	Telangana	8-Jun-19	-5
7	Sikkim	27-May-19	7
8	Odisha	11-Jun-19	-8
9	Haryana	2-Nov-19	-152
10	Maharashtra	9-Nov-19	-159
11	Jharkhand	5-Jan-20	-216
12	Arunachal Pradesh	1-Jun-19	-243
13	Delhi	Feb-20	-271

Sl. No.	State Assembly	Tenure Ending on	Days to be Extended (+)/ Curtailed (-)
14	Himachal Pradesh	7-Jan-18	512
15	Gujarat	22-Jan-18	497
16	Meghalaya	6-Mar-18	454
17	Tripura	10-Mar-18	450
18	Nagaland	13-Mar-18	447
19	Karnataka	28-May-18	371

The Committee also notes that Election to Bihar Legislative Assembly was held in Nov-Dec, 2015 and thus it cannot be combined with the proposed structure of elections to be held in 2016. Holding it together with the General elections in 2019 would result in a curtailment of period of 545 days. The election to Bihar Legislative Assembly may be held in 2021, combined with the elections to those Assemblies (Phase-1) whose tenure would get over by 2021.

18.0. The Committee while taking note of the provisions of the Fixed Term Parliaments Act, 2011, of The United Kingdom, recommends that early election to Lok Sabha and State Legislative Assemblies can only be held prior to expiration of their tenure, where either of the two conditions are met:-

- (i) If a motion for an early General Election is agreed either by at least two-thirds of the whole House (including vacant seats); or
- (ii) If a motion of no confidence is passed and no alternative government is confirmed by the Lok Sabha / State Legislative Assemblies within fourteen days by means of a confidence motion.

18.1. The Committee further recommends that bye-elections to all seats falling vacant in a particular year be conducted together on a pre-determined date/ time frame.

19. The Committee feels that gaining consensus of all political parties may be difficult in certain States of the Country. However, in the larger context of economic development and implementation of election promises without creation of the impediments due to enforcement of Model Code of Conduct as a result of frequent elections, the prospects of holding simultaneous elections need to be weighed and deeply considered by all political parties. This Report of the Committee seeks to open up debate on this important issue and to try and establish national consensus to avoid frequent elections.

20. The Committee is conscious of the fact that holding simultaneous elections may not be feasible in 2016 or even in a decade but it expresses confidence that a solution will be found to reduce the frequency of elections which relieve people and government machinery being tired of frequent electoral processes. This is important for India if it is to compete with other nations in developmental agenda on real time basis as robust democratic country.

OBSERVATIONS / RECOMMENDATIONS— AT A GLANCE

1. The Committee notes that out of Sixteen Lok Sabha as many as seven Lok Sabha elected in 1969, 1977, 1980, 1984, 1996, 1998 and 1999 witnessed pre-mature dissolution due to emergence of coalition government. Their tenure spread between four years to thirteen months. Out of those seven Lok Sabha, two Lok Sabha were dissolved before their tenure in 1971 or 1980 while the then Government, was having the confidence of Lok Sabha. **Lately, the legislatures have been completing their full term.** (para 16)

2. The Committee observes that the enactment of **Anti-Defection Act, 1985** has helped to prevent political defection in the ruling party which have direct bearing upon the term of the Legislature. Further a Constitutional Bench of nine judges of the apex Court in the case of *S.R. Bomai vs. Union of India* (AIR 1994 SC 1918) while interpreting import and ambit of the expressions - "the Government of the State cannot be carried on in accordance with the provisions of this Constitution" under Article 356 has laid down certain guidelines circumscribing the conditions for proclamation of President's Rule by the Union Government. That judgment has *inter-alia* laid down that (i) the dissolution of State Legislative Assembly by the President of India is subject to approval of both Houses of Parliament; and (ii) validity of proclamation of President's Rule is subject to judicial Review. In effect, the President can put Legislative Assembly in suspended animation but cannot dissolve it without concurrence of both Houses of Parliament. The Judiciary can examine validity of such proclamation and restore the dismissed State Government and revive dissolved Legislative Assembly if Article 356 is found to be *malafide* in its use. Those two instruments have strengthened federal structure of our polity by striking proper constitutional equilibrium between the Union and State Governments. (para 16.1)

3. The Committee notes that pre-mature dissolution of State Legislative Assemblies are no more on the whim and fancies of the Union Government or even upon political parties but are regulated largely by Anti-Defection Act, 1985 and apex Court judgement in *S.R. Bombai* case. It is used **as** a last resort where proclamation of the same is inevitable. It has been used where mandate of people is fractured having limited scope of government formation as recently happened in Delhi in 2014. (para 16.2)

4. The Committee does not feel that simultaneous election in every five year cannot be held in near future but slowly it would reach in stages for which tenure of some of the State Legislative Assemblies need to be curtailed or extended. Extension of term of Legislature is not permissible except under proclamation of emergency. But election to Lok Sabha/State Legislative Assemblies can be held six months before under Sections 14 & 15 of the Representation of People Act, 1951. The Law Commission of India in its One Hundred and Seventieth Report has suggested that election of same of Legislation Assemblies where term is ending six months after the General election to Lok Sabha can be clubbed with it but election result can be declared at the end of their tenure This can be possible with the cooperation of political parties which represents political will of the people. (para 17.0)

5. It may be noted that elections were held to the Lok Sabha and four State Legislative Assemblies viz. Andhra Pradesh, Odisha, Arunachal Pradesh and Sikkim in March-May 2014. The elections to these State Legislative Assemblies will coincide with the General Elections scheduled to be held in 2019. Further, elections to Haryana and Maharashtra State Legislative Assemblies are scheduled to be held within six months of the general elections in 2019. The rest of the State Legislative Assemblies have to be constituted with minimum aberrations. Still there will be many States where elections cannot be held/ synchronized with Lok Sabha. An attempt has been made to reduce the frequency of elections. (para 17.1)

6. The Committee recommends an alternative and practicable method of holding simultaneous elections which involves holding of elections in two phases. The Committee has envisaged holding of elections of some Legislative Assemblies at midterm of Lok Sabha and remaining with the end of tenure of Lok Sabha. The proposed first phase could be held in November, 2016. Elections to all State Assemblies whose terms end prior to or after a time period of six months to one year from the appointed election date can be clubbed together. The terms of some State Legislative Assemblies may need to be extended while some of them may need to be curtailed. Under Sections 14 and 15 of Representation of People Act, 1951, Election Commission can notify the elections to Lok Sabha and State Legislative Assemblies six months prior to the end of their natural terms, respectively. This provision may be used to hold elections without extension of terms of some Assemblies. Similarly, the second phase of elections can be held in 2019 along with the General Elections to Lok Sabha. A representative table of the proposal is given below:-

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Election to be held 03.06.2019

Phase 2

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Holding it together with the General elections in 2019 would result in a curtailment of period of 545 days. The election to Bihar Legislative Assembly may be held in 2021, combined with the elections to those Assemblies (Phase-1) whose tenure would get over by 2021. (para 17.2)

7. The Committee while taking note of the provisions of the Fixed Term Parliaments Act, 2011, of The United Kingdom, recommends that early election to Lok Sabha and State Legislative Assemblies can only be held prior to expiration of their tenure, where either of the two conditions are met:-

- (i) If a motion for an early General Election is agreed either by at least two-thirds of the whole House (including vacant seats); or
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8. The Committee further recommends that bye-elections to all seats falling vacant in a particular year be conducted together on a pre-determined date/ time frame. (para 18.1)

9. The Committee feels that gaining consensus of all political parties may be difficult in certain States of the Country. However, in the larger context of economic development and implementation of election promises without creation of the impediments due to enforcement of Model Code of Conduct as a result of frequent elections, the prospects of holding simultaneous elections need to be weighed and deeply considered by all political parties. This Report of the Committee seeks to open up debate on this important issue and to try and establish national consensus to avoid frequent elections. (para 19)

10. The Committee is conscious of the fact that holding simultaneous elections may not be feasible in 2016 or even in a decade but it expresses confidence that a solution will be found to reduce the frequency of elections which relieve people and government machinery being tired of frequent electoral processes. This is important for India if it is to compete with other nations in developmental agenda on real time basis as robust democratic country. (para 20)

MINUTES

XVII
SEVENTEENTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 P.M. on Tuesday, the 10th March, 2015 in Room No. '63', First Floor, Parliament House, New Delhi.

MEMBERS PRESENT

1. Shri Tariq Anwar – *in the Chair*

RAJYA SABHA

2. Shri Parimal Nathwani
3. Shrimati Rajani Patil
4. Shri K.T.S. Tulsi

LOK SABHA

5. Adv. Sharad Bansode
6. Shri P.P. Chaudhary
7. Shri B.V. Naik
8. Choudhary Mehboob Ali Kaiser
9. Shri S. Bhagwant Mann
10. Shri Udhayakumar M.
11. Shri V. Panneer selvam
12. Shri Vincent H. Pala
13. Dr. A. Sampath

SECRETARIAT

Dr. D. B. Singh, *Additional Secretary*

Shri K. P. Singh, *Director*

Shri Ashok K. Sahoo, *Joint Director*

Shrimati Niangkhanem Guite, *Assistant Director*

OFFICIAL WITNESSES

A. Election Commission of India

1. Shri Sudhir Tripathi, Deputy Election Commissioner
2. Shri S.K. Mehndiratta, Legal Advisor
3. Shri K.S. Wilfred, Principal Secretary

B. Ministry of Law and Justice (Legislative Department)

1. Dr. G. Narayana Raju, Additional Secretary
2. Dr. Reeta Vasistha, Joint Secretary and Legal Counsel
3. Shri Jose Thomas, Director

In the absence of the Chairman, Shri Tariq Anwar, a Member of the Committee Chaired the meeting. He welcomed the representatives of the Election Commission of India and the Legislative Department and informed that a detailed background note received from them had been circulated to the Members. He also stated that since urgent business has been listed in both the Rajya Sabha and the Lok Sabha, the Chairman and the Members are occupied with it. Therefore, the scheduled presentation will be held on another date. He requested them to make themselves available for the next meeting on the issue, the time and date for which would be communicated in due course.

(The witnesses then withdrew)

2. Verbatim record of meeting of the Committee was kept.
3. The meeting adjourned at 3.12 P.M.

XXIII
TWENTY THIRD MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 P.M. on Tuesday, the 26th May, 2015 in Committee Room 'C', Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Dr. E.M. Sudarsana Natchiappan – *Chairman*

RAJYA SABHA

2. Shri Majeed Memon
3. Shri Sukhendu Sekhar Roy
4. Shri Ramchandra Prasad Singh

LOK SABHA

5. Choudhary Mehboob Ali Kaiser
6. Shri S Bhagwant Mann
7. Shri Vincent H. Pala
8. Shri Udhayakumar M.
9. Shri Varaprasad Rao Velagapalli
10. Dr Anshul Verma
11. Shri Tariq Anwar
12. Adv. Joice George

SECRETARIAT

Dr. D. B. Singh, *Additional Secretary*

Shri K. P. Singh, *Director*

Shri Ashok K. Sahoo, *Joint Director*

- | | | | |
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| a. | * | * | * |
| b. | * | * | * |

xxx relates to other matter.

C. Non-official Witnesses

Lok Satta

1. Dr. Jayaprakash Narayan, General Secretary,
2. Ms Ankita K. Verma,
3. Shri Amol Ratna,
4. Shri Pallav Pradyumn Narang, and
5. Shri Dushyant Arora.

D. Legislative Department (Ministry of Law and Justice)

1. Dr. M. Vijayawargiya, Additional Secretary,
2. Shri Jose Thomas, Director (P).

- | | | | |
|----|---|---|---|
| 2. | * | * | * |
| 3. | * | * | * |
| 4. | * | * | * |

(The witnesses withdrew and meeting adjourned for tea and reassembled at 4:30 P.M.)

5. The Committee, thereafter, heard views of non-official witnesses invited *** on the Subject -" Feasibility of Conducting Simultaneous Elections to House of People and State Legislative Assemblies". The Chairman in his initial remark recapitulated the views offered in the memoranda submitted by invited witness and requested him to make submissions in respect of issues not covered in their memoranda.
6. Dr. Jayaprakash Narayan suggested that an eminent jurist in Selection Committee for Lokpal need not be a full time functionary. The initial and annual declaration of assets and liabilities of Public Servant should be in public domain. He was of the view that amendment moved by Government to the Prevention of Corruption Act, 1988 to make Lokpal sanctioning authority for prosecution of any group of government employees would unnecessarily over burden the high profile institution. He felt that there was a need for seamless integration of the institutions of Lokpal, Lokayuktas, and Vigilance Commissions at national and state level to fulfil our international obligation under UNCAC. He, in that context, proposed stringent provisions relating to confiscation of property analogous to the provisions in the Smugglers and Foreign Exchange Manipulators Prevention Act, 1976 for corruption cases to create deterrent in the minds of corrupt public servants.
7. On the issue of simultaneous elections, he supported the proposition in principle as frequent elections had been disruptive of governance process and also encourages/ competitive populism to the extent of offering freebies by the political parties. He referred to recent experiments undertaken in Germany, United

Kingdom and Canada to avoid mid-term polls and constructive no-confidence motion was suggested as a measure to restrict the role of the Government to truncate the tenure of the Legislature. He suggested direct election of Chief Minister in the State for fixed tenure to achieve the objectives.

(The witnesses then withdrew)

8. Verbatim record of meeting of the Committee was kept.
9. The meeting adjourned at 5.33 P.M.

V
FIFTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 4.00 P.M. on Tuesday, the 15th December, 2015 in Room No. '63', First Floor, Parliament House, New Delhi.

MEMBERS PRESENT

1. Dr. E.M. Sudarsana Natchiappan – *Chairman*

RAJYA SABHA

2. Ms. Anu Aga
3. Shri Majeed Memon
4. Shrimati Rajani Patil
5. Shri K.T.S. Tulsi
6. Shri Sukhendu Sekhar Roy

LOK SABHA

7. Shri P.P. Chaudhary
8. Shri Vincent H. Pala
9. Shri Udhayakumar M.
10. Shri Varaprasad Rao Velagapalli
11. Adv. Joice George

SECRETARIAT

Shri K. P. Singh, *Joint Secretary*

Shri Ashok K. Sahoo, *Joint Director*

2. The Chairman welcomed the Members to the meeting. The Committee then took up the consideration and adoption of the draft Report on 'Feasibility of Holding Simultaneous Elections to House of People (Lok Sabha) and State Legislative Assemblies'. The Chairman highlighted the major issues dealt with in the Report.

3. Most of the Members considered the draft Report as a balanced one but felt that the idea of having simultaneous confidence and no-confidence motions in the Lower House of Indian Legislatures was not favoured. Rather, the formulation provided in Fixed-term Parliaments Act, 2011 of the United Kingdom was acceptable to the Committee. The Committee considered that para 18 of the Report may be reframed as under:

"18.0. The Committee while taking note of the provisions of the Fixed Term Parliaments Act, 2011, of The United Kingdom, recommends that early election to Lok Sabha and State Legislative Assemblies can only be held prior to expiration of their tenure, where either of the two conditions are met:-

(i) If a motion for an early General Election is agreed either by at least two-thirds of the whole House (including vacant seats); or

(ii) If a motion of no confidence is passed and no alternative government is confirmed by the Lok Sabha / State Legislative Assemblies within fourteen days by means of a confidence motion."

4. The Committee decided to present the Report to both Houses of Parliament on the 17th December, 2015. It also authorized its Chairman, and in his absence, Shri Sukhendu Sekhar Roy to present the Report to Rajya Sabha and Shri Udhayakumar M. and in his absence, Shri Varaprasad Rao Velagapalli to lay the same in Lok Sabha.

5. The Committee also decided to undertake a study visit in the third and fourth week of January, 2016 to Jodhpur, Mumbai and Nagpur in connection with the Subjects under consideration.

6. The meeting adjourned at 5.30 P.M.

