

**MEMBERS' REFERENCE SERVICE
LARRDIS
LOK SABHA SECRETARIAT, NEW DELHI**

REFERENCE NOTE

No. 45/RN/Ref/Nov/2016

For the use of Members of Parliament

NOT FOR PUBLICATION

Simultaneous Elections to Lok Sabha and State Legislative Assemblies

Prepared by Shri B. Phani Kumar, Additional Director (23034536) and Smt. Bela Routh, Joint Director of Lok Sabha Secretariat under the supervision of Smt. Kalpana Sharma, Joint Secretary and Shri C.N. Sathyanathan, Director.

The reference material is for personal use of the Members in the discharge of their Parliamentary duties, and is not for publication. This Service is not to be quoted as the source of information as it is based on the sources indicated at the end/in the text. This Service does not accept any responsibility for the accuracy or veracity of the information or views contained in the note/collection.

SIMULTANEOUS ELECTIONS TO LOK SABHA AND STATE LEGISLATIVE ASSEMBLIES

The desirability of holding simultaneous elections for the Lok Sabha and Vidhan Sabhas has been discussed at various levels. A considered view is that simultaneous elections will not only keep alive the enthusiasm of voters, but will also result in huge savings to the public exchequer as well as avoiding repetition of administrative effort. It is also expected to control the expenses of political parties. Simultaneous elections will also avoid repeated enforcement of the Model Code of Conduct which affects administrative actions by the government.²

History of Simultaneous Elections

In India, simultaneous elections to the Lok Sabha (House of The People) and Vidhan Sabhas (State Legislative Assemblies) were held in the years 1951-52, 1957, 1962 and 1967. Thereafter, however, the schedule could not be maintained and the elections to the Lok Sabha and the Vidhan Sabhas have still not been realigned.

The next General Election to the Lok Sabha is scheduled for 2019. Elections for the Vidhan Sabhas of 5 States are scheduled for 2017, for 13 States in 2018, for 10 States in 2019, for one State and National Capital Territory of Delhi in 2020 and the remaining are scheduled for 2021.³

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

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.

² <http://mygov.in/group-issue/discussion-simultaneous-elections>

³ See **Annexure-III**.

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 14 September, 2014 and the forthcoming one is slated on 9 September, 2018)⁴. In the U.K., the term of the Parliament is governed by the Fixed-term Parliaments Act, 2011⁵.

Justification For Holding Simultaneous Elections

- i. It was felt that holding simultaneous elections 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 Rs. 4500 crore by the ECI.
- ii. Elections lead to imposition of Model Code of Conduct (MCC) in the poll bound State/area and as a result, the entire development programme and activities of the Union and State Governments in the poll bound State would come to a standstill. Frequent elections lead to imposition of MCC over prolonged periods of time which affects the normal governance.
- iii. Frequent elections lead to disruption of normal public life and impact the functioning of essential services. If simultaneous elections are held, this period of disruption would be limited to a certain pre-determined period of time.
- iv. 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,

⁴ Rajya Sabha. Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice. 79th Report, December 2015, p 3.

⁵ In the U.K. 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. Accordingly, elections to House of Commons were held on 07 May, 2015.

Sikkim and Arunachal Pradesh was spread over ten phases and 1077 *in situ* companies and 1349 mobile companies of Central Armed Police Force (CAPF) were deployed.

Suggestions of Election Commission of India

The Election Commission of India, taking into account various eventualities, has suggested measures for the conduct of simultaneous elections which, *inter alia*, include:

- 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);
- 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. (For other Suggestions see **Annexure-I** and for details relating to Election Schedule see **Annexure-III**)

Difficulties in holding Simultaneous Elections

Despite its desirability, there are several difficulties which might be encountered for conducting simultaneous elections. The ECI felt 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 crore will be needed for procurement of EVMs and VVPATs. The machines would also need to be replaced every fifteen years which would again entail expenditure. Further, storing these machines would increase the warehousing cost⁶.

⁶ *Op.Cit.* 79th Report, pp. 4-6.

Recommendations/Observations of the Parliamentary Standing Committee⁷

The matter regarding conduct of simultaneous elections for Lok Sabha and State Legislative Assemblies was examined by the Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in the current Lok Sabha which made certain recommendations. (See **Annexure-II** for details)

Discussion on Simultaneous Elections

An effort has been made by the Union Government to ascertain the views of the people in this regard. Through the 'My Gov Discussion⁸' suggestions were invited by 15 October 2016 on five indicative questions⁹. These are:

- Is it desirable to hold simultaneous elections? What are the pros and cons?
- If simultaneous elections are held, then for the first time what happens to Assemblies whose scheduled tenure either ends before or after the proposed date of holding elections?
- Should the term of the Lok Sabha and Assemblies be fixed?
- What would happen in case by-elections are necessitated in between terms?
- What happens in case the ruling party or coalition loses majority in between term, either in the Lok Sabha or in Assemblies?

Views of Dignitaries

His Excellency the President, Shri Pranab Mukherjee expressing his views on the desirability of holding simultaneous elections, said

“With some election or the other throughout the year, normal activities of the government come to a standstill because of code of conduct. This is an idea the

⁷ The Committee was constituted on 01.09.2014 under the Chairmanship of Dr. E.M. Sudarsana Natchiappan. The Committee presented its 79th Report on 'Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies' to the Rajya Sabha on 17.12.15 and laid the Report on the Table of Lok Sabha same day.

⁸ A citizen engagement platform launched by the Government in August, 2015 to promote the active participation of people on issues related to country's governance and development. It invites citizens, Parliamentarians, Members of Legislative Assemblies and Councils, Constitutional experts, academics experts, social media influencers, ThinkTanks and all other interested people to give their considered view on the subject.

⁹ <http://mygov.in/group-issue/discussion-simultaneous-elections>

political leadership should think of. If political parties collectively think, we can change it.... The Election Commission can also put in their idea and efforts on holding the polls together and that will be highly beneficial”¹⁰.

Hon'ble Prime Minister, Shri Narendra Modi, has spoken several times on considering the feasibility of holding simultaneous Lok Sabha and State Assembly elections and stressed on the need for building consensus on the issue. He is of the opinion that continuous and frequent elections take a toll on economic and human resources. Frequent elections add to the expenses, party leaders and cadres are also perpetually involved in the electoral process, leaving them with very little time for constructive matters related to development of the country.¹¹

The Chief Election Commissioner (CEC), Shri Nasim Zaidi, said that the Election Commission was ready to hold simultaneous Lok Sabha and State Legislative Polls if certain conditions are met and more resources are provided. The Commission can hold simultaneous election for which two things to be noted: firstly, several constitutional amendments will have to be made; and secondly, there has to be consensus among all the political parties.¹²

References

1. Department –Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, 79th Report on *Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies, 2015.*
2. Law Commission of India, 170th Report on *Reform of Electoral Laws, 1999*
3. <http://mygov.in/group-issue/discussion-simultaneous-elections>.
4. The Hindu, 9 September, 2016
5. The Tribune, 30 March, 2016 .
6. The Free Press Journal, 20 October, 2016.

¹⁰ The Hindu, 9 September, 2016

¹¹ The Tribune, 30 March, 2016

¹² The Free Press Journal, 20 October, 2016

Suggestions of Election Commission of India

- 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.
- 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;
- 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:
 - ✓ 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.
 - ✓ 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.
- 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.
- 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 could be considered.
- 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.

Recommendations/Observations of the Parliamentary Standing Committee

- The Committee did not feel that simultaneous election in every five year could not 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 Committee 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.
- The Committee, *inter alia* recommended an alternative and practicable method of holding simultaneous elections which involves holding of elections in two phases. The Committee had 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 including the schedule of elections from 2016-2020 to different Legislative Assemblies is given in **Annexure-III**.

- The Committee, while taking note of the provisions of the Fixed Term Parliament 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:-
 - ✓ *If a motion for an early General Election is agreed either by at least two-thirds of the whole House (including vacant seats); or*
 - ✓ *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.*
- The Committee further recommended that bye-elections to all seats falling vacant in a particular year be conducted together on a pre-determined date/ time frame.
- The Committee felt 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.
- Holding simultaneous elections may not be feasible in 2016 or even in a decade but it expressed 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.

Annexure-III

(Election Schedule in India)

Election to be held 15.11.2016

PHASE-I

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
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
<i>Election to be held 03.06.2019</i>			
Phase 2			
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
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

*Elections to the Legislative Assemblies of West Bengal, Kerala, Puducherry, Tamil Nadu and Assam (Sl. No. 1-5) were held in April-May 2016 and Legislative Assemblies were duly constituted.