

Bill No. 120 of 2019

THE CONSTITUTION (AMENDMENT) BILL, 2019

By

SHRI RAJIV PRATAP RUDY, M.P.

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2019. Short title.
 2. In article 83 of the Constitution, in clause (2), for the words, "shall continue for five years", the words "shall continue for a minimum period of two and half years and a maximum of five years" shall be substituted. Amendment of article 83.
 3. In article 172 of the Constitution, in clause (1), for the words, " shall continue for five years", the words " shall continue for a minimum period of two and half years and a maximum of five years" shall be substituted. Amendment of article 172.
 4. After article 326 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 326A.
- 10 "326A. The Central Government shall, in consultation with the Election Commission, within six months from the date of coming into force of the Constitution (Amendment) Act, 2019, by notification in the official Gazette, determine extending or curtailing the duration of Two phase elections.

the term of the State Legislative Assemblies so that the elections are held in two phases and within two and half years with the next elections to the House of the People, in the following manner:—

(a) in the first phase, elections to all the State Legislative Assemblies whose term is likely to end within one or two years of the next General Elections to the House of the People shall be held simultaneously; and 5

(b) in the second phase elections to all the remaining State Legislative Assemblies shall be held within two and half years after the constitution of the next House of the People."

STATEMENT OF OBJECTS AND REASONS

The Constitution of India has vested in the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State. However, frequent elections across the country have placed Indian Polity perennially in an election mode. This hampers long-term policy-making because every decision of the State/Central Government is seen as a reason for seeking votes.

On an average, the country witnesses election to about five to seven State Assemblies every year. Adding to it is the elections to the third tier of Government *i.e.*, Panchayati Raj Institutions and Municipal Bodies in rural and urban areas respectively, bye-elections etc. This has substantially increased the number of elections in any given year. With multiple elections, the model code of conduct is in force for most of the time, which prevents the Government from initiating new projects and ultimately slows down development work. It affects stability and economic development.

Besides the Lok Sabha elections in 2014, elections were held to about fifteen State Assemblies during March 2014- May 2016. In 2014 alone, elections were held in March - May (Lok Sabha, Andhra Pradesh, Telangana, Odisha and Sikkim), September - October (Haryana, Maharashtra) and November - December (Jharkhand and Jammu Kashmir) timeframes. As noticed, the elections to State Assemblies were announced within a month of concluding elections to other State Assemblies. This would not only end up negatively impacting administrative and developmental activities in the poll bound States/regions but also substantially increase the cost of conducting elections to the largest democracy in the world.

In lieu of this, the Standing Committee on Personnel, Public Grievances, Law and Justice submitted its report on the "Feasibility on Holding Simultaneous Elections to House of People (Lok Sabha) and State Legislative Assemblies" in December 2015.

The Committee report suggested that the holding of simultaneous elections to Lok Sabha and State Assemblies would reduce:—

- (1) the massive expenditure that is currently incurred for the conduct of separate elections;
- (2) the policy paralysis that results from the imposition of the Model Code of Conduct during election time;
- (3) impact on delivery of essential services; and
- (4) burden on crucial manpower that is deployed during election time.

The Election Commission is of the view that simultaneous elections to the House of the People and State Assemblies will give enough time for the elected incumbent Government to formulate policies and implement programs continuously for a longer period without any interruptions caused by imposition of model code of conduct. In fact, the Election Commission has favoured holding simultaneous elections to the Lok Sabha and State Assemblies. However, it is for all the political parties to come together on board for holding of such synchronized elections in India.

Accordingly, the Bill proposes that elections be held in two phases. Elections to some Legislative Assemblies could be held along with General Elections to Lok Sabha at the end of the term of Lok Sabha and Elections to remaining Legislative Assemblies be held during the mid-term of Lok Sabha. The synchronization shall be done by the Central Government within six months from the date of coming into force of this Constitution (Amendment) Act, 2019 in consultation with the Election Commission.

Hence this Bill.

NEW DELHI;
June 12, 2019.

RAJIV PRATAP RUDY

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

	*	*	*	*	*	*	*	*	*
Duration of Houses of Parliament.	83. (1)	*	*	*	*	*	*	*	*
	(2) The House of the People, unless sooner dissolved, shall continue for [five years] from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House: Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.								
	*	*	*	*	*	*	*	*	*
Duration of State Legislatures.	172. (1)	Every Legislative Assembly of every State, unless sooner dissolved, shall continue for 1 [five years] from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Assembly: Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.							
	*	*	*	*	*	*	*	*	*

LOK SABHA

A

BILL

further to amend the Constitution of India.

(Shri Rajiv Pratap Rudy, M.P.)