

Bill No. 275 of 2024

THE CONSTITUTION (ONE HUNDRED AND TWENTY-NINTH
AMENDMENT) BILL, 2024

A
BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India
as follows:—

1. (1) This Act may be called the Constitution (One Hundred and
Twenty-ninth Amendment) Act, 2024.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by
notification in the Official Gazette, appoint.

2. After article 82 of the Constitution, the following article shall be inserted,
namely:—

Insertion of new
article 82A.

‘82A. (1) The President may by a public notification issued on the date
of the first sitting of the House of the People after a general election, bring
into force the provision of this article, and that date of the notification shall be
called the appointed date.

Simultaneous
elections to the
House of the
People and all
Legislative
Assemblies.

(2) Notwithstanding anything in article 83 and article 172, the term of all Legislative Assemblies constituted in any general election held after the appointed date and before the expiry of the full term of the House of the People shall come to an end on the expiry of the full term of the House of the People.

(3) Notwithstanding anything in this Constitution or any law for the time being in force, and before the expiry of the full term of the House of the People, the Election Commission shall conduct general elections to the House of the People and all Legislative Assemblies simultaneously and the provisions of Part XV shall apply to these elections *mutatis mutandis* with such modifications as may, become necessary and which the Election Commission may, by order, specify.

(4) The expression "simultaneous elections" shall mean general elections held for constituting the House of the People and all the Legislative Assemblies together.

(5) If the Election Commission is of the opinion that the elections to any Legislative Assembly cannot be conducted along with the general election to the House of the People, it may make a recommendation to the President, to declare by an order, that the election to that Legislative Assembly may be conducted at a later date.

(6) Where the elections to a Legislative Assembly is deferred under clause (5), then, notwithstanding anything in article 172, the full term of the Legislative Assembly shall end on same date as the end of the full term of the House of the People constituted in the general election.

(7) The Election Commission shall at the time of notifying the election to a Legislative Assembly under this article declare the date on which the full term of the Legislative Assembly shall come to an end.

Amendment of
article 83.

3. In article 83 of the Constitution, after clause (2), the following clauses shall be inserted, namely:—

"(3) The five-year period from the date of first meeting of the House of the People shall be referred to as the full term of the House of the People.

(4) Where the House of the People is dissolved sooner than the expiry of its full term, the period between its date of dissolution and five years from the date of the first meeting shall be referred to as its unexpired term.

(5) Notwithstanding anything in clause (2), where the House of the People is dissolved sooner than the expiry of its full term, the new House of the People constituted pursuant to elections occasioned by such dissolution, unless sooner dissolved, shall continue for such period as is equal to the unexpired term of the immediately preceding House of the People and expiration of this period shall operate as a dissolution of the House.

(6) The House of the People constituted under clause (5) shall not be a continuation of the previous House of the People and all the consequences of dissolution shall apply to the House of the People referred to in clause (4).

(7) The election for constituting the House of the People for its unexpired term shall be referred to as a mid-term election, and the election held after the expiry of the full term shall be referred to as the general election."

Amendment of
article 172.

4. In article 172 of the Constitution,—

(a) after clause (1), the following clause shall be inserted, namely:—

“(1A) The five-year period from the date of the first meeting of the State Legislative Assembly shall be referred to as full term of the State Legislative Assembly.”;

(b) after clause (2), the following clauses shall be inserted, namely:—

5 “(3) Where the State Legislative Assembly is dissolved sooner than the expiry of its full term, the period between its date of dissolution and five years from the date of the first meeting shall be referred to as its unexpired term.

10 (4) Notwithstanding anything in clause (1), where the State Legislative Assembly is dissolved sooner than the expiry of its full term, and a new State Legislative Assembly is constituted pursuant to elections occasioned by such dissolution, then, such new State Legislative Assembly, unless sooner dissolved, shall continue for such period as is equal to the unexpired term of the immediately preceding State Legislative Assembly and the expiration of this period shall operate as a dissolution of the Assembly.

15 (5) The State Legislative Assembly constituted under clause (4) shall not be a continuation of the previous State Legislative Assembly and all the consequences of dissolution shall apply to the State Legislative Assembly referred to in clause (3).”.

20 5. In article 327 of the Constitution, after the words “delimitation of constituencies”, the words “, conduct of simultaneous elections” shall be inserted.

Amendment of
article 327.

STATEMENT OF OBJECTS AND REASONS

The general elections to the House of the People and all State Legislative Assemblies were held simultaneously in the years 1951-52, 1957, 1962 and 1967. However, due to premature dissolution of some Legislative Assemblies in 1968 and 1969, the cycle of holding polls simultaneously with the House of the People got disrupted. The Law Commission of India in its 170th report, on "Reform of the Electoral Laws", *inter alia*, suggested that holding separate elections for State Legislative Assemblies should be an exception rather than the rule. According to the Commission, the general rule should be to conduct elections once every five years for the House of the People and all State Legislative Assemblies together. The Department related Parliamentary Standing Committee on Personnel, Public Grievances and Law and Justice, in its 79th report had also examined the feasibility of holding simultaneous elections to the House of the People (Lok Sabha) and State Legislative Assemblies and recommended an alternative and practicable methods of holding simultaneous elections is needed and expressed confidence that a solution would be found to reduce the frequency of electoral processes.

2. There is an imperative need for holding of simultaneous elections for various reasons and given that elections have become expensive and time consuming. The imposition of Model Code of Conduct in several parts of the country which are poll bound put on hold the entire development programmes, cause disruption of normal public life, impact the functioning of services and also curtail the involvement of manpower from their core activities for deployment for prolonged periods for election duties.

3. The High Level Committee under the Chairmanship of Shri Ram Nath Kovind, former President of India was constituted on 2nd September, 2023 to examine the issue of simultaneous elections and make recommendations for holding simultaneous elections in the country. After due deliberation and examination of all the material available on record and the consultations held on the subject, the Committee submitted its recommendations to the Hon'ble President on 14th March, 2024. The Government has accepted the recommendations of the High Level Committee.

4. The High Level Committee, *inter alia*, has recommended that in the first stage elections to the House of the People and the Legislative Assemblies should be held simultaneously. For implementation of the recommendations of the High Level Committee, a Bill, namely, the Constitution (One Hundred and Twenty-ninth Amendment) Bill, 2024 is proposed providing for holding of simultaneous elections to the House of the People and all Legislative Assemblies.

5. The Bill proposes to insert a new article 82A (Simultaneous elections to the House of the People and all Legislative Assemblies) and to amend article 83 (Duration of Houses of Parliament), article 172 (Duration of State Legislatures) and article 327 (Power of Parliament to make provision with respect to elections to Legislatures).

6. The aforesaid Bill, *inter alia*, provides that after its enactment, a notification is to be issued by the President on the date of the first sitting of the House of the People after a general election, and that date of the notification shall be called the appointed date. The tenure of the House of the People shall be five years from that appointed date. The tenure of all Legislative Assemblies, constituted by elections to the Legislative Assemblies after the appointed date and before the expiry of the full term of the House of the People, shall come to an end on the expiry of the full term of the House of the People. Thereafter, all general elections to the House of the People and all Legislative Assemblies shall be held together simultaneously. In case of dissolution of the House of the People or a Legislative Assembly, sooner than the

full term of the House of the People or the Legislative Assembly, the term of the House or Assembly constituted pursuant to elections shall be for the unexpired term of the House or the Assembly.

7. The Bill seeks to achieve the above objectives.

NEW DELHI;

ARJUN RAM MEGHWAL.

The 12th December, 2024.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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327. Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses.

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Power of
Parliament to
make provision
with respect to
elections to
Legislatures.

LOK SABHA

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BILL

further to amend the Constitution of India.

*(Shri Arjun Ram Meghwal, Minister of State (I/C) for Law & Justice and
Minister of State of Parliamentary Affairs)*