

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

RESOLUTION

New Delhi, the 2nd September, 2023

**F. No. H-11019/03/2023-Leg.II.**—WHEREAS elections to the House of the People and Legislative Assemblies of States were mostly held simultaneously from 1951-52 to 1967 after which this cycle got broken and now, elections are held almost every year and within a year too at different times, which result in massive expenditure by the Government and other stakeholders, diversion of security forces and other electoral officers engaged in such elections from their primary duties for significantly prolonged periods, disruption in developmental work on account of prolonged application of Model Code of Conduct, etc.;

AND WHEREAS the Law Commission of India in its 170<sup>th</sup> Report on Reforms of the Electoral Laws observed that: “*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’.*”;

AND WHEREAS the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in its 79<sup>th</sup> Report on ‘Feasibility of Holding Simultaneous Election to the House of People (Lok Sabha) and State Legislative Assemblies’ submitted in December, 2015 has also examined the matter and recommended an alternative and practical method of holding simultaneous elections in two phases;

NOW, THEREFORE, in view of the above and that in the national interest it is desirable to have simultaneous elections in the country, the Government of India hereby constitutes a High Level Committee [hereinafter referred to as ‘HLC’] to examine the issue of simultaneous elections and make recommendations for holding simultaneous elections in the country.

1. The HLC shall comprise of the following persons, namely: —

1.	Shri Ram Nath Kovind, Former President of India	Chairman
2.	Shri Amit Shah, Minister of Home Affairs and Minister of Cooperation, Government of India	Member
3.	Shri Adhir Ranjan Chowdhury, Leader of Single Largest Party in Opposition, Lok Sabha	Member
4.	Shri Ghulam Nabi Azad, Former Leader of Opposition, Rajya Sabha	Member
5.	Shri N.K.Singh, Former Chairman, 15 <sup>th</sup> Finance Commission	Member
6.	Dr. Subhash C. Kashyap, Former Secretary General, Lok Sabha	Member
7.	Shri Harish Salve, Senior Advocate	Member
8.	Shri Sanjay Kothari, Former Chief Vigilance Commissioner	Member.

2. Shri Arjun Ram Meghwal, Minister of State (Independent Charge) Ministry of Law and Justice, Government of India shall attend the meetings of the HLC as Special Invitee.

3. Shri Niten Chandra, Secretary to the Government of India, Department of Legal Affairs shall be Secretary to the HLC.

4. The terms and reference of the HLC shall be to—

- (a) examine and make recommendation for holding simultaneous elections to the House of the People (Lok Sabha), State Legislative Assemblies, Municipalities and Panchayats, keeping in view the existing framework under the Constitution of India and other statutory provisions, and for that purpose, examine and recommend specific amendments to the Constitution, the Representation of the People Act, 1950, the Representation of the People Act, 1951 and the rules made thereunder and any other law or rules which would require amendments for the purpose of holding simultaneous elections;

- (b) examine and recommend, if the amendments to the Constitution would require ratification by the States;
- (c) analyse and recommend possible solution in a scenario of simultaneous elections emerging out of hung House, adoption of no-confidence motion, or defection or any such other event;
- (d) suggest a framework for synchronisation of elections and specifically, suggest the phases and time frame within which simultaneous elections may be held if they cannot be held in one go and also suggest any amendments to the Constitution and other laws in this regard and propose such rules that may be required in such circumstances;
- (e) recommend necessary safeguards for ensuring the continuity of the cycle of simultaneous elections and recommend necessary amendments to the Constitution, so that the cycle of simultaneous elections is not disturbed;
- (f) examine the logistics and manpower required, including EVMs, VVPATs, etc., for holding such simultaneous elections;
- (g) examine and recommend the modalities of use of a single electoral roll and electoral identity cards for identification of voters in elections to the House of the People (Lok Sabha), State Legislative Assemblies, Municipalities and Panchayats.

5. The HLC shall commence functioning immediately and make recommendations at the earliest.

6. The headquarters of the HLC shall be at New Delhi.

7. The HLC may decide its own procedure for conducting its meetings and other relevant functions.

8. The HLC may hear and entertain all persons, representations and communications which in the opinion of the HLC shall facilitate its work and enable it to finalise its recommendations.

9. The Chairman and members of the HLC shall be paid allowances as follows—

- (a) Chairman of the HLC shall be entitled for such allowances as provided in the President's Emoluments and Pension Act, 1951;
- (b) Members of the HLC who are Member of Parliament, shall be entitled to such allowances as defined in clause (a) of section 2 of the Parliament (Prevention of Disqualification) Act, 1959;
- (c) All other Members of the HLC shall be entitled to Travelling Allowance at the rates and as per rules applicable to the government servants of the highest grade.

10. The Legislative Department, Ministry of Law and Justice shall provide Office space, secretarial assistance and other logistic support to the HLC.

11. The expenditure of the HLC shall be met through a separate budgetary allocation by the Government under the relevant budget heads of the Ministry of Law and Justice (Legislative Department).

Dr. REETA VASISHTA, Secy.