
Thematic analysis on the Indian Representation of People's Act, 1951

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Abstract: This research work has been undertaken with the aim of analysing the Indian Representation of People's Act, 1951 with specific reference to election to upper and lower houses of the parliament and upper house and lower house of the states, registration of political parties, methodology of filling up casual vacancies, timing of elections and introducing judicial powers for the Election Commission of India. The People's Representative Act, 1951 with its amendments have withstood the test of time and has been able to carve out the reputation of being one of the better ways of ensuring democratic rights of the citizens of a country. The findings will give an insight on to the relevance of practicable methods for conducting elections in India. It may serve as inputs for further research work improving efficiency and ensuring transparency in elections.

Keywords: parliament; state assembly; registration for political parties; casual vacancies; fixing timing for polls; multiple elections; election petitions; democratic rights; gerrymandering; synchronised elections; tenure of members; timing of polls.

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Biographical notes: Sankar Rajeev is a prolific writer and has published six books, including books on social issues. He has also contributed over 25 research papers to international and national journals.

1 Introduction

1.1 Preview

Preamble of The Indian Representation of People's Act, 1951 states; "An Act to provide for the conduct of elections of the Houses of Parliament and to the Houses of the Legislature of each state, the qualifications and disqualifications for membership of those houses, the corrupt * * * practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections."¹ Compared to the political establishment at the time of enactment of the Act

and the awareness of the electorate, we have seen that along with the economic growth and increase in literacy rate, involvement of electorate in electoral process has increased. This has certain strengths and weaknesses. This paper intends to carry out a thematic analysis on the electoral process in India. As the subject is vast this paper intends to concentrate only on certain specific issues rather than giving a broad brush. Hence the topics for scrutiny chosen have been; Rajya Sabha and state legislative councils, recognition of political parties, filling up of casual seats, timings for polls and handling of election petitions. During this process, a comparative analysis of 'for the People Act of 2019, USA', 'representation of the People Act UK, 1918', simultaneous elections, and directions of the Constitutional Court of Russia, 2016 have been carried out.

1.2 Members of upper house

In most of the countries which follow democracy, there is an upper house which is known by various names; Rajya Sabha, Senate, House of Lords or for that matter Federation Council in Russia created by Yeltsin in July 1993. Members of this house are filled in by various processes, starting with Senate members and members of the Federal Council elected by popular vote^{2,3}, Rajya Sabha by indirect election using single transferable vote and nomination, House of Lords by appointment or else by hereditary or official function.⁴ Approximating this the number of members in the house differs in various ways; in the case of Russia and USA each state regardless of its population and size is represented by two members, in Rajya Sabha representation is based on digressive proportion of the population⁵, whereas House of Lords having no fixed number of members. As a matter of fact it is the only upper house which has more members than lower house. Strangely even though the principle of digressive population is followed in Rajya Sabha (Upper House in India), truly the representation remains something akin to the lower house because of which smaller states and union territories tend to loose or are gobbled up by larger states like UP, Bihar and Maharashtra as the latter have decisively large membership, which leaves the smaller states with no definite say in the governance. This leads us to the requirement of changing the membership scheme which at present is similar to lower house 'Lok Sabha' and essentially based on population. We all know that in India certain states are specifically over populated.

1.3 Registration of political parties

Section 29A of the Representation of People's Act, 1951 lays down the condition for registration of political parties for elections in India.⁶ In this any association having memorandum or rules and regulations and containing a specific provision that the association or body shall bear true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism and democracy, and would uphold the sovereignty, unity and integrity of India on application to the Election Commission of India (ECI) can be registered as a political party for the purpose of election. On being granted acceptance they will be provided with an election symbol as suggested by the respective political party so long as it meets the conditions laid down in the Act. Indian democratic process is handicapped by the existence of this section of the Act, as a result of which there is multiplicity of political parties, splinter groups, which often results in unethical practices which are not pertinently visible. Section 158(4) of the

Peoples Representation Act states that “Subject to the provisions of sub-section (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates or in the case of election of more than one member at the election, one-sixth of the total number of valid votes so polled ...” Even though not explicitly given in the Act implied meaning can be (if we try to read these two sections together) that, in case a person (who in actuality is the sole representative political party) does not get more than 16.67 % of the total number of valid votes polled he is not a valid candidate in the normal sense and can probably termed as a ‘chocker’. There is every reason for us to take this analogy while considering registration of political parties for general election.

1.4 Filling up of casual seats

Provisions of Sections 52, 147–151 of the Representation of People's Act, 1951, covers the situations, procedures regarding filling up of casual seats. Usually these are caused by death (Section 52), seat becoming vacant (Section 147), election declared void (Section 149), or under the provisions of Sections 147–151 of the said Act. More often than not this creates additional administrative load. Various reasons for such an occurrence include vacancies created due to action with partisan interest whereby an elected representative vacates the seats on political strategy or defects from particular political party. There are also cases where an unsure candidate stands for election in more than one seat and subsequently vacates any one of them in case he or she wins both. This process may just have cosmetic value, but dire consequences on administrative and monetary terms for the government and ECI is large.

1.5 Timing for polls and multiple elections

If we take a look at the election process in most of the countries except the USA and Russia, there is no fixed timing for polls. Time is an important factor in every person's life. Imagine if the electorate is aware that after every five or six years, elections would be held during a particular month and not before or after that, then there is a chance for better participation of the electorate in the poll process compared to the staggering 50–60%. Multiple elections are a money and time waster. In fact in India surprisingly every six months or even in lesser time difference, elections for one or the other reason are held. Imagine the tremendous loss which is self-inflicted. Can we think of synchronised elections to the centre and state, and in case of contingencies covered under Sections 52, 68, 69, 70, 147–151 of The Representation of People's Act the first runner up for the constituency getting automatically upgraded as the elected candidate? Certainly there is a possibility.

1.6 Election petitions

It is a common knowledge that Indian judiciary is over committed with cases. As per Sections 79 to 122 of this Act, High Court of the State has been given the power to adjudicate matters on election petitions⁷ and appeals to the Supreme Court⁸. Considering the frequency of election, it is safe to assume that it would be a relief to the High Courts

and Supreme Court, if all petitions and appeals regarding elections are given to any other competent statutory body.

In accordance with Sections 146, 146 A, B, C “The commission (ECI) shall be deemed to be a civil court and when any such offence, as is described in Section 175, Section 178, Section 179, Section 180 or Section 228 of the Indian Penal Code (45 of 1860), is committed in the view or presence of the commission.” Hence if we suggest giving powers to district/state level Election Commission to adjudicate election petitions and Election Commission of India as the appellate authority, it should not be considered as a farfetched imagination.

1.7 Gerrymandering

This is an essential aspect of people’s representation in democratic process. The consideration to be made is, whether there a requirement of delimiting constituency. The main point against adding more constituencies for State assembly or Lok Sabha is that with the spread of communication by electronic devices starting from television, social media to AI an elected representative is more visible to the electorate than ever before, hence in reality there is no necessity for such a step.

1.8 Synchronised elections

It is interesting to note that the concept of synchronised elections is in-fact not new to India. Post adoption of the constitution, elections to Lok Sabha and all State Legislative Assemblies were held simultaneously till 1967 when the cycle of synchronised elections finally got disrupted. However, due to the premature dissolution of some Legislative Assemblies in 1968 and 1969, the cycle got disrupted for the first time. Now, coming back to the scope and definition of the term ‘synchronised elections’, ideally synchronised elections should imply that elections to all the three tiers of constitutional institutions take place in a synchronised and coordinated fashion. What this effectively means is that a voter casts his vote for electing members for all tiers of the government on a single day. Having said that, the third tier institutions is primarily a state subject as per the constitution. Further, considering the fact that elections to the third tier institutions are directed and controlled by the State Election Commissions and their sheer numbers in the country is significantly large, it may be difficult to synchronise and align election schedules to the third tier with that of Lok Sabha and State Assembly elections. In such a scenario it is up to the ECI to decide whether a voter would normally cast his/her vote for electing members of Lok Sabha, State Assembly and Local Self-Government on a single day. To clarify further, synchronised elections do not mean that voting across the country for Lok Sabha and State Assemblies on a single day. This can be conducted in a phased manner as per the existing practice, where in voters in a particular constituency vote for Ward/Council, State Assembly and Lok Sabha the same day.

2 Literature review

- 1 Objective of this study is to analyse the procedures and practices adopted in the world and in India as per the Representation People Act, 1951 along with its amendments in order to suggest improvements considering the technological advancements. For effective research in order to obviate duplicity and incorporate recency attempt was made to carry out bibliometric analysis taking a sample of 101 SSCI-indexed journals which were available in the business school library. Effort was to cover the period 1951–2019. A total of 73 articles published in these journals over the period selected were taken as sample with general elections as the theme. As the study progressed it was obvious that there has been a surge in the attempt to address the topic from the analysis of authorship, citation, co-citation and factor analyses. Despite that what was nonconforming is that the approach adopted in almost all cases was little bit biased on to the theoretical aspects based on limited areas. In these discreet analysis important topics attempted to have been covered were; migration to city, electoral bonds, impact on election transparency, secret debates of federal conventions, synchronised elections, environmental challenges on elections and economic impact of elections.
- 2 Research has been carried out in respect of synchronised elections (Debroy and Desai, 2018). Basic line of research has been on impact of frequency of elections on administrative and developmental activities considering the 'poll related code of conduct'. There are some studies carried out on the harm synchronised elections would cause on the federal structure of the country.⁹ A gamut of literature, points of view of experts, recommendations of expert committees, etc. is already available on this subject. Hence this note leverages such available literature and comprehensively analyses various attendant issues to present an unbiased and holistic scrutiny of the case for synchronised elections in the country. It was also apparent that study to analyse the improvement which can be made in the electoral process has not been attempted of this nature.

3 Methodology

Thematic analysis is one of the most universal forms of analysis within qualitative research. The endeavour of the researcher is to identify, analyse and interpret prototypes of themes from the qualitative data. It is an approach which is generally in contrast to most of the other types of research in this category. Here we use this technique because we are focusing on examining elections and patterns within this theme. The aim is to go beyond counting phrases or words in a text whereby the researcher can explicit and implicit meanings of the data. In this analysis goal was to explore lived experiences, perspectives and practices of general, assembly and council elections and rules governing these practices. Like most of the other types of data analysis, out of the two primary ways

the process went ahead for inductive approach based on the nature of the theme. This is principally because the researcher did not want the theme to be theory-driven. Prevalence or occurrence was not the only important criteria but highly relevant in the present context and its phenomena of interest. The research went in six phases, which are tabulated in Table 1. Here the idea was to make a technical or pragmatic view of research design centres, conducting qualitative analysis using the most suitable method for the research problem. However, there is hardly ever a case that only one ideal or suitable method is available, so other criteria for selecting methods of analysis were used – the researcher's conjectural commitments and their familiarity with fastidious methods. Thematic analysis provides a flexible method of data analysis and allowed the researcher with various methodological backgrounds to hold in this type of analysis.

Table 1 Research process

<i>Ser. no.</i>	<i>Phase</i>	<i>Process</i>	<i>Result</i>	<i>Reflexivity journal entries</i>
1	I	Read and understand the election procedures, manuals, data brought out by ECI, paying special attention to patterns that occur	Evolving the codes and making detailed notes.	Making codes along with description as to the meaning of each code and its origin or source.
2	II	Collapsing the data in order to create categories for more efficient analysis.	Steps generated to identify as to how data answers the research question.	Providing detailed information on the theme.
3	III	Combining themes for further analysis.	Here the economic, infrastructural and procedure related were included.	Codes are interpreted and combined to further the objective of inductive research.
4	IV	The basic emphasis was to observe as to how the themes support the data and the overreaching theoretical perspective.	Coherent recognition of how themes are patterned to tell an accurate story about the data.	Answers to the research questions and data driven questions need to be abundantly complex and well-supported by the data.
5	V	Deciding on the core aspects of the theme.	A comprehensive analysis of what the themes contribute to understanding the data.	Election to the Parliament and State, Registration of Political Parties filling up of casual vacancies, timing of elections, synchronised elections and judicial powers of Election Commission of India were identified.
6	VI	Member checking.	Making analysis and findings.	Describe the process of choosing the way in which the results would be reported.

4 Analysis

In this research paper parts analysed are; members of upper houses, recognition of political parties, filling up of casual seats, timings for polls, election petitions, synchronised elections and gerrymandering.

4.1 Members of upper house

Here we would cover the questions like; is there a requirement of legislative councils in the states or can we do without them? Does the present allocation of seats in Rajya Sabha give undue advantage to certain states? Thereafter it would try and suggest certain measures to improve the transparency.

In India, prior to the bifurcation of Jammu and Kashmir there were seven states having state legislative council, which means a transparency level of 24%. At the outset it can therefore be inferred that economic progress, human development index and provision of a bicameral legislature are mutually exclusive.¹⁰ Members of legislative councils are elected by local bodies, state legislative assembly, Graduates and teachers and 1/6th nominated by Governor. So in effect it is a superfluous process and a body which does not have specific role unlike the Rajya Sabha. A tabulated status of the states and UTs is given in Table 2.

- 1 From Table 2, we can infer that at present 39.36% of the Indian population and less than 25% of the states and UTs have been covered by legislative council, so it has been eluding the majority population which is around 60% of Indian electorate. Has it in any way affected their functioning, not very obvious? Strangely we see that only five out of the ten states as per the population have legislative council. When we carry out analysis from the point of view of GSDP (Figure 1) only five out of the first ten states in the ranking have legislative council. Somewhat similar statistics go for NSDP (Figure 2). Considering the land area by the spread of the state they cover only 34% of the land area. Concept of legislative council has been a debatable one for the reason that some of the states which have legislative council had abolished them for, e.g., Assam, Tamil Nadu, Punjab, West Bengal, Madhya Pradesh, where as there has been demand from states like Delhi, Himachal, Uttarakhand, Madhya Pradesh, Odisha for a legislative council. Going by the provision that minimum required members for legislative council is 40 and should not be more than 1/3rd of the strength of legislative assembly, many of the states may find themselves out of contention owing to the mandatory considerations. Essentially members are elected or nominated by the same electorate which elects legislative assembly, so it can also be considered as merely duplication in the name of democratic process to accommodate certain interested parties at the expense of taxpaying citizens. As per the charter of duties there are no specific roles for them, except superfluous ones which can be ordinarily undertaken by legislative assembly. At present we find that only few elected members of the legislative assembly or parliament are serious in their job and attend to the assembly/parliament sessions. There has been alarming rate of absentees in the attendance of these proceedings as reported in various newspapers and TV channels. Under such conditions realistically thinking requirement of legislative councils is questionable.

Figure 1 Indian states by GSDP (see online version for colours)

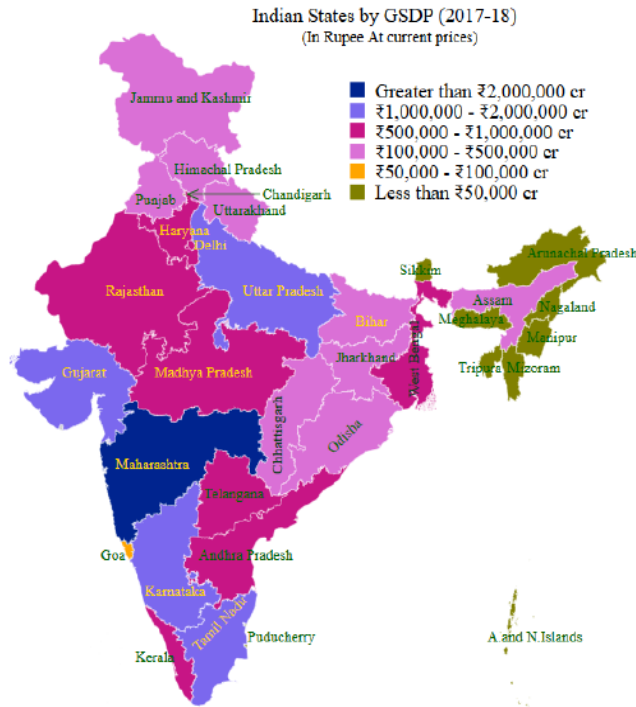


Figure 2 Indian states by NGSDP (see online version for colours)

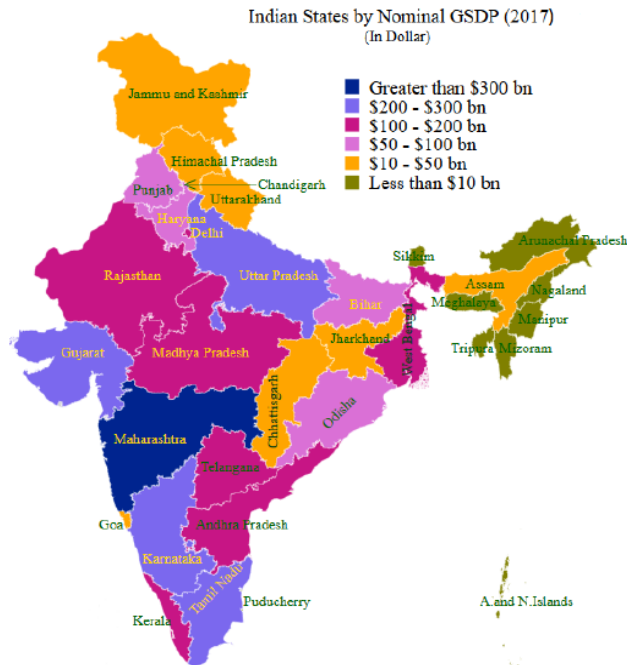


Table 2 State wise demographic pattern and economic development

Rank	State or union territory	Population (%)	Area	State Legislative Council and number of constituencies	GSDP (Cr INR)	Share	NSDP (Cr INR)	Share
1	Uttar Pradesh	199,812,341 (16.51%)	240,928 km ² (93,023 sq mi)	100	1376324	8.05	1,224,672	8.10%
2	Maharashtra	112,374,333 (9.28%)	307,713 km ² (118, 809 sq mi)	78	2,411,600	14.11%	2,139,378	14.14%
3	Bihar	104,099,452 (8.6%)	94,163 km ² (36,357 sq mi)	75	484,740	2.84%	445,942	2.95%
4	West Bengal	91,276,115 (7.54%)	88,752 km ² (34,267 sq mi)	0	999,585	5.85%	913,266	6.04%
5	Madhya Pradesh	72,626,809 (6%)	308,245 km ² (119, 014 sq mi)	0	728,242	4.26%	663,000	4.38%
6	Tamil Nadu	72,147,030 (5.96%)	130,058 km ² (50,216 sq mi)	0	1,461,841	8.55%	1,315,577	8.70%
7	Rajasthan	68,548,437 (5.66%)	342,239 km ² (132, 139 sq mi)	0	835,558	4.89%	749,462	4.95%
8	Karnataka	61,095,297 (5.05%)	191,791 km ² (74,051 sq mi)	75	1,350,257	7.90%	1,231,090	8.14%
9	Gujarat	60,439,692 (4.99%)	196,024 km ² (75,685 sq mi)	0	1,314,680	7.69%	1,151,150	7.61%
10	Andhra Pradesh	49,577,103 (4.08%)	162,968 km ² (62,922 sq mi)	58	809,547	4.74%	734,659	4.86%
11	Odisha	41,974,218 (3.47%)	155,707 km ² (60,119 sq mi)	0	436,374	2.55%	380,662	2.52%
12	Telangana	35,003,674 (2.89%)	112,077 km ² (43,273 sq mi)	40	753,811	4.41%	684,500	4.52%
13	Kerala	33,406,061 (2.76%)	38,863 km ² (15,005 sq mi)	0	700,532	4.10%	634,675	4.20%
14	Jharkhand	32,988,134 (2.73%)	79,714 km ² (30,778 sq mi)	0	276,243	1.62%	254,285	1.68%
15	Assam	31,205,576 (2.58%)	78,438 km ² (30,285 sq mi)	0	288,494	1.69%	251,588	1.66%
16	Punjab	27,743,338 (2.29%)	50,362 km ² (19,445 sq mi)	0	479,141	2.80%	431,127	2.85%
17	Chhattisgarh	25,545,198 (2.11%)	135,191 km ² (52,198 sq mi)	0	284,194	1.66%	254,925	1.69%
18	Haryana	25,351,462 (2.09%)	44,212 km ² (17,070 sq mi)	0	626,054	3.66%	565,509	3.74%
19	Uttarakhand	10,086,292 (0.83%)	53,483 km ² (20,650 sq mi)	0	222,836	1.30%		

Source: Planning Commission, Government of India, *Census 2011 (Final Data) – Demographic Details, Literate Population (Total, Rural and Urban)*, PDF [online] <http://planningcommission.gov.in> (accessed 15 January 2019), Office of the Registrar General and Census Commissioner, India, *Population and Decadal Change by Residence: 2011 (PERSONS)*, (PDF), p.2. Directorate of Economics and Statistics, Government of Telangana, *Statistical Year Book 2015* (PDF), <http://telangana.gov.in> (accessed 4 March 2019)

Table 2 State wise demographic pattern and economic development (continued)

Rank	State or union territory	Population (%)	Area	State Legislative Council and number of constituencies	GSDP (Cr INR)	Share	NSDP (Cr INR)	Share
20	Himachal Pradesh	6,864,602 (0.57%)	55,673 km ² (21,495 sq mi)	0	140,613	0.82%	200,844	1.33%
21	Tripura	3,673,917 (0.3%)	10,486 km ² (4,049 sq mi)	0	46,133	0.27%	41,755	0.28%
22	Meghalaya	2,966,889 (0.25%)	22,429 km ² (8,660 sq mi)	0	30,790	0.18%	27,679	0.18%
23	Manipur	2,570,390 (0.21%)	22,327 km ² (8,621 sq mi)	0	23,968	0.14%	21,548	0.14%
24	Nagaland	1,978,502 (0.16%)	16,579 km ² (6,401 sq mi)	0	24,281	0.14%	21,532	0.14%
25	Goa	1,458,545 (0.12%)	3,702 km ² (1,429 sq mi)	0	70,493	0.41%	64,420	0.43%
26	Arunachal Pradesh	1,383,727 (0.11%)	83,743 km ² (32,333 sq mi)	0	22,045	0.13%	20,171	0.13%
27	Mizoram	1,097,206 (0.09%)	21,081 km ² (8,139 sq mi)	0	19,457	0.11%	17,454	0.12%
28	Sikkim	610,577 (0.05%)	7,096 km ² (2,740 sq mi)	0	23,495	0.14%	20,709	0.14%
NCT	Delhi	16,787,941 (1.39%)	1,484 km ² (573 sq mi)	0	690,098	4.04%	634,675	4.20%
UT1	Jammu and Kashmir	12,267,032 (1.01%)	125,535 km ² (48,469 sq mi)	0	138,488	0.81%	115,982	0.77%
UT2	Puducherry	1,247,953 (0.1%)	479 km ² (185 sq mi)	0	32,962	0.19%	30,212	0.20%
UT3	Chandigarh	1,055,450 (0.09%)	114 km ² (44 sq mi)	0	38,806	0.23%	34,578	0.23%
UT4	Andaman and Nicobar Islands	380,581 (0.03%)	8,249 km ² (3,185 sq mi)	0	7,871	0.05%	7,041	0.05%
UT5	Dadra and Nagar Haveli	343,709 (0.03%)	491 km ² (190 sq mi)	0				
UT6	Ladakh	274,000 (0.02%)	96,701 km ² (37,336 sq mi)	0				
UT7	Daman and Diu	243,247 (0.02%)	112 km ² (43 sq mi)	0				
UT8	Lakshadweep	64,473 (0.01%)	32 km ² (12 sq mi)	0				
Total	India	1,210,569,573	3,287,240 km ² (1,269,210 sq mi)	426				

Source: Planning Commission, Government of India, *Census 2011 (Final Data) – Demographic Details, Literate Population (Total, Rural and Urban)*, PDF [online] <http://planningcommission.gov.in> (accessed 15 January 2019), Office of the Registrar General and Census Commissioner, India, *Population and Decadal Change by Residence: 2011 (PERSONS)*, (PDF), p.2. Directorate of Economics and Statistics, Government of Telangana, *Statistical Year Book 2015* (PDF), <http://telangana.gov.in> (accessed 4 March 2019)

Table 3 Lok Saba elections (see online version for colours)

Year	Election	Total seats	First			Second			Third		
			Party	Seats	% votes	Party	Seats	% votes	Party	Seats	% votes
1951–152 ^a	1st Lok Saba	489	INC	364	45%	CPI	16	3.29%	SOC	12	10.59%
1957 ^b	2nd Lok Saba	494	INC	371	47.78%	CPI	27	8.92%	PSP	19	10.41%
1962	3rd Lok Saba	494	INC	361	44.72%	CPI	29	9.94%	SWA	18	7.89%
1967	4th Lok Saba	520	INC	283	40.78%	SWA	44	8.67%	BIS	35	9.31%
1971	5th Lok Saba	518	INC	352	43.68%	CPM	25	5.12%	CPI	23	4.73%
1977	6th Lok Saba	542	JP	298	43.17%	INC	153	34.52%	CPM	22	4.29%
1980	7th Lok Saba	529 (542)	INC(I)	351	42.69%	JNP(S)	41	9.39%	CPM	37	6.24%
1984	8th Lok Saba	514	INC	404	49.10%	TDP	30	4.31%	CPM	22	5.87%
1989	9th Lok Saba	529	INC	195	39.53%	JD	142	17.79%	BJP	89	11.36%
1991	10th Lok Saba	521	INC	244	35.66%	BJP	120	20.11%	JD	59	11.84%
1996	11th Lok Saba	543	BJP	161	20.29%	INC	140	28.80%	JD	46	23.45%
1998	12th Lok Saba	545	BJP	182	25.59%	INC	141	25.82%	CPM	32	5.16%
1999	13th Lok Saba	545	BJP	182	23.75%	INC	114	28.30%	CPM	33	5.40%
2004	14th Lok Saba	543	INC	145	26.53%	BJP	138	22.16%	CPM	43	5.66%
2009	15th Lok Saba	545	INC	206	28.55%	BJP	116	18.80%	SP	23	3.23%
2014	16th Lok Saba	545	BJP	282	31.34%	INC	44	19.52%	AIADMK	37	3.31%
2019	17th Lok Saba	543	BJP	303	37.4%	INC	52	19.50%	YSRCP	22	4.24%

Notes: ^aPresidential Decrees No. 1626 from 11 October 1993, House of Lords Act 1999 and Fourth Schedule of the Constitution of India.^bRepresentation of the People (Amendment) Act, 1988 (1 of 1989).

- 2 Now let us consider the state of affairs in Rajya Sabha. As a matter of fact, parliament has been in the recent past witnessing poor attendance of MPs whether in the upper or lower house. Do they have any specific role? Rarely. It is sometimes seen as back door entry to the corridors of power for politicians who are not confident of facing the electorate directly. Let that be as per customs or procedure to have a check on constitutional process, but the question is as to why the number of members in the Rajya Sabha from a state is decided by the yard stick similar to Lok Sabha. Let us take the case of USA or Russia for considering the strength of upper house. Howsoever big a state, it has two members, who are directly elected. Should not India also follow the same norm? There are quite a lot of favourable reasons for suggesting such a change. This in addition to other facets can make democracy work in a more efficient and transparent manner. So in effect all we need is two/three MPs from each state as members of Rajya Sabha and one each for UTs. Thus the strength of Raja Sabha which would be more efficient than the present one and will be $28 \times 2 + 9 \times 1 = 65$ + say 10 nominated by the President (1/6th) totalling to 75 or at the most 100. This would remove the present imbalance wherein some of the states have unfair share in deciding the national policies by the dominating number they hold in both the houses of parliament, despite having a poor GSDP and NSDP record. Hence in effect we may find it reasonable to conclude with a heavier demand for effective consideration to modify the present allocation of seats to Raja Sabha to a more rational number, assuring transparency and strengthening federal structure instead of the contemporary arrangement which is lop sided, lacks transparency and ineffective. Now we have less than 25% of the states functioning with legislative council. It has been found that neither having a legislative council nor not having one in any way has affected the functioning of the state in any manner. So in reality legislative councils by fair standards do not provide any advantage in functioning of democracy or transparency in governance. Hence it is time that we remove the concept of legislative councils and function with only Legislative Assembly in States.

4.2 Registration of political parties

Here we would consider the impact of having too many parties in fray for elections, whether it is national or state. We are aware that priorities for the electorate differ as far as national and state issues are concerned. National issues may concentrate on federalism, economy, national integrity, trade and employment, where as local issues may be on safety, security, development, infrastructure, etc. More often than not, we find that both the political parties and the electorate do not understand these differences.

- 1 Performance of various political parties in national elections is in Table 3. During the analysis of the data available we find that in the period 1951–2019, there were 17 general elections. The parties which have been able to secure 1/6th of the votes poled are Indian National Congress, Bharatiya Janta Party, Janta Dal. That means these are the parties have a realistic national appeal to the voters. Suppose we take the scale a bit lower to 1/10th of the votes poled, then we may include the Communist Party of India combined with its other faction Communist Party Marxist provided they register as a single party with a common election symbol for the national election. Existence of too many parties in the national election without reasonable vote share leads to instability. Data indicate that during the 2019 Lok Sabha elections 650

political parties contested, most of them very small with regional appeal. Direct impact is that since 1984 no party has won an election with the exception of 2014, 2019 resulting in a concept known as alliances. These alliances are very fragile and generally for the purpose of clamouring power and drastically affect good governance resulting in compromises as seen in recent state elections.

- 2 Another factor to be considered in this context is the stability of the government for the elected period of five months. During the ten year period from 1989 to 1999 instead of one or at the most two general elections, India had witnessed five general elections, with possibly three general elections from 1996 to 1999. According to a report by Centre for Media Studies INR 60,000 million was officially spend for the general election held in 2019. So we can find that India has lost INR 180,000 to 240,000 million on account of poor election management. Primary reason for this was multiplicity of parties. The argument for alliances as an election concept for stability fails in merit when we analyse the data in respect of some states.

For, e.g., in Kerala, a politically vibrant state during the period from 1925 to 1947, i.e., from the time of abstention movement to Independence had nine governments, six from 1948 to 1957 (formation of the state) and almost 20 governments and 8 President's rule there after till 2019. If we take the 30 year period from 1957 to 1987 only two governments could complete the five-year term. More than required number of elections is a drain on economy, man power and other resources which a developing country like India can ill afford. It has been seen that whenever any political party has been voted with majority, there has been stability both at the centre and state. We are aware that numerous elections and too frequent change of governments compelled India to pledge gold in the past which is disastrous.

- 3 This leads us to the recommendation that we should make certain qualitative requirements for parties registering for election. First requirement would be that during the general elections a party is eligible to contest if any political party at anytime has secured 1/6th of the vote share. As both Lok Sabha and Rajya Sabha have provisions for nominating individuals as Member of Parliament, individuals with independent opinion may be provided opportunity only in that manner. When it comes to state elections, similar exercise needs to be carried out based on the vote share of political parties. The consideration which can be provided is that a political party which has been registered by the ECI as a national party gets an automatic qualification for participating in the state election. In this case independent candidate can be permitted to contest as there is no existing provision for nomination as member of legislative assembly or else ten percent of the seats in legislative assembly may be kept for the discretion of the governor. Another consideration which may be tried out is that in case of a political party does not obtain 1/6th of votes poled in any of the previous elections or an independent candidate is desirous of contesting the state election or a new political party has been formed, the prospective candidate or party should obtain signatures of 1/6th of the registered voters of the constituency accepting his nomination for contesting as a candidate. This practice is followed in certain democratic nations across the world. Any violations, duplicity of voters consent or failure to submit the documents as brought out by Election Commission should render the candidature invalid. However for developing a democratic structure and electoral franchise, election for the local

bodies may be held without any these qualitative requirements for political parties or independent candidates except the criteria of consent of 1/6th of the registered voters.

4.3 *Filling up of casual seats*

Casual seats arise when an office has been vacated due to certain eventualities like the death of the candidate, recall, ennoblement, criminal conviction, failure to maintain minimum attendance, or voting irregularities. The question here is that except where there is only one candidate to contest for a seat surprisingly this form of democratic process leads electorate to a model of conflict management, which is a win-loss situation. It is an extreme case conflict management and has a negative outcome with only one person as the winner. So the consideration attempted is to ask a pertinent question; why bye-elections should be held? It was in 16th century that Thomas Cromwell devised this new concept which was called 'by the King at the time, of King's choosing' and made it a simple matter to ensure that the seat is rewarded to an ally of the crown (Loach, 1990). The era of Monarchy no longer in India hence the country needs to emerge out of the colonial era and move forward with modern outlook on elections and that too with practicality.

- 1 A candidate may die before the polls, during the polls or after the polls before the results are announced or after the results are announced. In all cases as per the present law there is a requirement to hold bye-elections. However this procedure seems to be flawed. The main reason is that bye-elections give wrong indicators, causes instability and many a times predictive in nature as a result of its stand-alone nature. It is rumoured that recently a particular political party having dominance in local self-government pumped in money to a particular assembly constituency to win a bye-election. Similar cases may be there for a parliament seat as well when a particular political party is in power. Hence in real sense it is not electing a candidate but selecting a candidate. In case of a contingency as described above, it can be reasonably and satisfactorily resolved by adopting a mixed-member proportional representation system. Here consequent to the death or resignation of a candidate or disqualification of a member, the contestant who was the second best in elections is offered the seat or automatically upgraded by the ECI and if that candidate dies or declines the seat, next one is offered till the list lasts. In case no one is left as a case of unusual occurrence the President or Governor should nominate a resourceful person for that constituency (The New Zealand Herald, 2011). However if it is an occurrence before the election then the party may be permitted to field an alternative candidate. Other alternatives to holding bye-elections can be keeping the seat vacant if the next scheduled election is due in six-month or less time. Other instances of casual seats are when a member gets elected to a higher position like a Councillor becoming an MLA or MP, MLA moving on as an MP or any constitutional positions like the President or Governor. In all such cases the next best candidate should automatically be upgraded as the member. In a recent case in Kerala four sitting MLAs moved on to become MP and created casual seats which resulted in a bye-election. Even though it was a part of democratic process but surely a waste of tax payers' money and government machinery resources.

- 2 While deliberating on this aspect a very pertinent point which is often forgotten is that some of the people choose politics as a profession, a soft job and highly rewarding. It is quite obvious that in a country like India, where pedigree and family back ground plays an important consideration in getting nominations from a political party there is a requirement of delimitation on the number of chances a person can take as a councillor or MLA or MP. We often hear people claiming that he or she has been six or seven time MLA or MP. When we do a back ground check it is seen that the performance was not commensurate to the claimed experience. Such outputs bring out bad policies having no realistic vision. It does not in any way mean that the candidate should be a PhD holder, but adequately educated and rich with experience and worldly wisdom. See the lack of opportunity for others and how many hidden talents get wasted because a particular politician is holding on to a seat more than two or three terms. It may be that generations get wasted out from a particular constituency. Unlike western countries, in India we never find someone volunteering to give opportunity to another person. So as a remedy, in order to improve the quality we may consider that a person should be permitted to become a Councillor or MLA or MP for a maximum of two terms.

4.4 *Timings for polls*

The voter's turnout in general elections held so far has been barely around 60%, with small aberrations here and there. Surprisingly the final turn out during the 2019 elections was 67.11%, which was 1.16% more than the 2014 elections (Jain, 2019). This may be reasonable when compared to the voter turnout during the legislative elections held in Russia during 2016, which was 47.88, low compared to the expected standard of a successful election which can be quantified as anything above 75%? A turnout of 75% in some way establishes the concept of true democracy with over 3/4th of the electorate exercising the electoral franchise. For achieving this target the primary requirement other than making electorate aware of the importance of the role they play is the timing of election. In a country like USA, the whole world knows that Presidential election will be scheduled on a particular day years before the conduct of the event or as the case in Russia, but in India no such practice exists except for bye-elections. Here there are a range of dates suiting the convenience of other activities and actors. It does not necessarily indicate that the election should be held on a single day, but when the availability of EVMs and security setup satisfies the requirement, it can also be tried. The least that ECI can do is fix schedule at least a year ahead. Considering the fact that educational institutions are utilised for elections it is possible to have a schedule something like as shown in Table 4. When a year before the schedule of elections, dates for each assembly segment are notified or announced the voter can arrange him in such a way as to be available for the election. This would in most cases improve the voter turnout. Such a step will also contribute towards ensuring better transparency and participation by way of good voter turnout, selecting a better candidate and indirectly reducing the chances of bogus voting.

Table 4 Schematic schedule for synchronised elections

<i>Ser. no.</i>	<i>Date</i>	<i>Event</i>	<i>Remarks</i>
1	15 March 2024	Set the date for election as 2 May to 30 May 2024	General elections, assembly elections and local bodies election
2	16 March 2024 to 31 March 2024	Registration of political parties and nomination of candidates	General elections, assembly elections and local bodies election
3	1 April 2024 to 30 April 2024	Election campaigning	General elections, assembly elections and local bodies election
4	1 May 2024	Election silence	General elections, assembly elections and local bodies election
5	2 May 2024	Election in Kerala, Tamil Nadu, Karnataka, Andra Pradesh, Telengana, Goa and UTs Pondicherry, Lakshadweep	General elections, assembly elections and local bodies election
6	7 May 2024	Elections in Maharashtra, Gujarat, Rajasthan, Madhya Pradesh, Chhattisgarh, UTs Daman and Diu, Dadra Nagar Haveli	General elections, assembly elections and local bodies election
7	13 May 2024	Elections in Punjab, Haryana, Himachal Pradesh, Delhi, Uttar Pradesh, UTs J&K, Ladhak, Chandigarh	General elections, assembly elections and local bodies election
8	17 2024 May	Elections in Uttrakhand, Bihar, Jharkhand, Orissa, West Bengal, Sikkim, UT Andaman and Nicobar islands	General elections, assembly elections and local bodies election
9	22 2024 May	Elections in Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Manipur, Tripura	General elections, assembly elections and local bodies election
10	27 2024 May	Counting of votes	General elections, assembly elections and local bodies election
11	28 2024 May	Declaration of results	General elections, assembly elections and local bodies election
12	29 May 2024 to 7 June 2024	Filing of petitions to election commission	General elections, assembly elections and local bodies election
13	17 June to 20 June 2024	Filing of appeals	General elections, assembly elections and local bodies election

Note: Dates are suggestive not sacrosanct.

4.5 Election petitions

Disputes regarding electoral process are covered from Sections 79 to 122 of the Representation of Peoples Act, 1951. As per Section 80A the “Court having jurisdiction to try an election petition shall be the High Court”, which shall be presented within 45 days’. Decisions of the High Court has been identified as an order either dismissing the petition or declaring the election to be void under the provisions of Section 100 or 101, and conveyed to the ECI. Appeals on the decisions of the High Court shall lie to the Supreme Court.¹¹ It is a common knowledge that the High Courts and Supreme Court of the country are over loaded with cases. Also considering the fact that at any point of time under the present system of elections some constituency or the other may either be under an election process or preparing for an election process, petitions and appeals related to elections will be a recurring feature.

This will be add-on to the already committed load of the judiciary. As the petitions or appeals in respect of elections can be effectively handled by the ECI, whether it is the State or National Election Commission by their expertise, knowledge and experience, it would be prudent to rest the authority to this august body. By this way it is not only that these cases will be dealt with more expeditiously but also with certainty. Considering the advantages accrued thus it would be prudent to transfer all cases related to the Election Commission of the state and appellate power provide to the Central Election Commission.

4.6 Gerrymandering

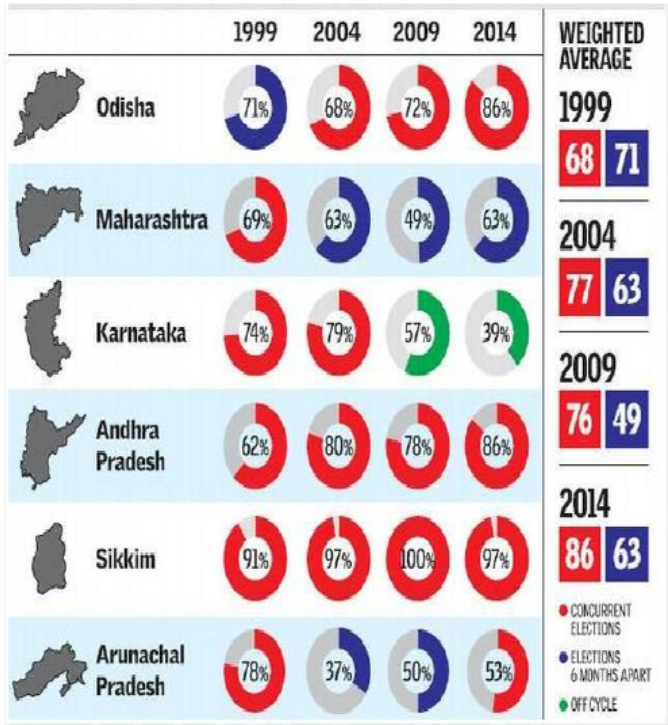
In USA congressional redistricting takes place after every ten-year. Same is the case in very many democratic countries where the boundaries are redrawn after census. In India it occurs before all elections. This may be technically correct in the democratic concept of governance, but misses the human aspect. It may be that some border district or religiously neutral areas become ‘passing the buck’ as a result of this. Then they tend to be left out of developmental activities, as their grouping in next election may be with some other constituencies. In 2015 the US Supreme Court stated that even though constitution calls for legislature to redraw the district lines, an independent commission is recommended to be appointed (Hasen, 2018; The Washington Post, 2019). The bigger question is whether there is a requirement of gerrymandering or not in the Indian context. As we rationally put, with the technological improvement and transparency due to electronic medium, a voter is more in touch with the representative than ever before in the history of the country. Gerrymandering or delimitation will only provide fodder to the ever growing menace of population explosion. So in effect it should be the geographical entity rather than population as a consideration for identifying the constituencies. Hence there is a strong case removing the provisions associated with gerrymandering or delimitation in the Indian context for the three tier system of people’s representation.

4.7 Synchronised elections

There is not much of mention on synchronised elections in India. However it is an important aspect of election to be considered, keeping in mind the time, resources and finance required for conducting elections. In addition the country has several extremely

sensitive polling booths, so for ensuring free and fair elections requirement of security forces is also a consideration. In an electorate of say 900 million, we may have about 9 million Para military and police force that can be deployed for poll related duties. It is not that India never had the experience of synchronised elections since 1967. In fact, there have been instances in 1999, 2004, 2009, and 2015 (Figure 3). During the recently concluded general elections, synchronised elections were held in few states. As a matter of fact in 2014, besides Lok Sabha elections polls to 14 states were also conducted. This topic has been considered by many researchers, so as a part of this analysis when strengths of holding synchronised election far outweighs the weaknesses we would evaluate the difficulties as considered by certain researchers. However we go a little further to include local body elections also in the definition of synchronised elections.

Figure 3 Analysis of Lok Saba and Vidhan Saba results under simultaneous elections (see online version for colours)



Source: Study published by IDFC Institute
(<http://www.thehindu.com/opinion/op-ed/state-assembly-elections-nudging-the-voter-in-one-direction/article8438114.ece>)

4.7.1 Implementing synchronised elections

In 1999, the Law Commission headed by Hon’ble Justice BP Jeevan Reddy in its 117th report recommended synchronised election to improve the electoral process in India, similarly in the 79th report of the department related to Parliamentary Standing Committee on personnel. Recently the Hon’ble President noted that “With some election or the other throughout the year, normal activities of the government come to a stand-still

because of code of conduct. This is an idea the 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.” Out of the 17 general elections held till date only 9 Lok Sabha have completed the term, rest of them were dissolved prematurely. The points to ponder in implementing synchronised elections are; do ability, economic impact, and infrastructure.

4.7.2 Do ability

As stated earlier in 2014, General elections were held and along with that 14 states which went for polls and accounted for 50% of the electorate? Success of that election, provides us adequate assurance that synchronised elections can be held, in case the planning starts now; not only on paper but on ground as well. Still do ability was a factor.¹² The identified operational challenges were – is it practically feasible for the ECI to conduct elections at such a massive scale – considering logistics, security and manpower resource requirements? How can we solve the problem of amalgamating them, because certain states would have just finished assembly elections? 15 states would have completed the elections by the time next general elections are scheduled, 8 states in tune with general elections and balance with just a year to complete the five year term. The simplest of the solution is to hold assembly elections in states which have scheduled election in two and a half years’ time from the proposed general election and have restricted tenure; for states having scheduled elections thereafter and till general elections, provide extended tenure of the assembly by a Presidential ordinance. As regards the EVMs, if elections are held with registration of political parties as provided in Subsection 4.2 above, there would be substantial reduction in the requirement of EVM and balance requirement can be procured from the general election budget. As per a study carried out it may cost a onetime additional expenditure of INR 93,000 million which can be invested for subsequent elections given a life of about 15 years for EVMs? On the other hand a saving of approximately INR 67,200 million @ INR 2,400 million per state for assembly election can compensate part of this expenditure. The EVMs may be sequentially modified, wherein it should be possible to register on one EVM votes for the candidate for parliament, assembly and ward/council. With the technological development this is a possibility and can be realised. As far as the deployment of security forces is concerned, there would be substantial savings in the context of not only money but also effort. As a result Para military forces and the state police would be less committed on poll duties and synchronised elections will facilitate tasking these forces mainly on jobs for which they were created. Hence it would be quite clear that do-ability will not be a problem. An issue which needs to be deliberated is the midterm polls. An ordinance or an amendment to the Representation of People’s Act can be made where in once the voter decides which government should rule the nation or state, in case an eventuality occurs another set of people can take the responsibility of running the government after proving majority. However in case no group gains majority, then it should be governed by President’s rule or Governor rule for the balance of the period till the next scheduled general election, which realistically speaking will lead to good governance. Another positive fall out would be less interruption in education especially for the school children. At present any elections, may it be Lok Sabha, assembly or local self-government the polling booths are generally located in school buildings which invariably results in interruption of educational activities. With just one election in five years, they would find tremendous

reduction in interference by having fewer requirements of school buildings for purposes other than education. Statistics gives out that individually when these elections are carried out, the voter turnout is generally around 60% for Lok Sabha and a little bit higher in the case of assembly and local self-government election. However, when these are held simultaneously the voting percentage was found to be between 70 to 80%, so the latter turns out to be more conducive as far as voter turnout is concerned.

4.7.3 Impact on voter behaviour

The presumption here is that Indian voters are not mature/informed enough to differentiate between the voting choices in case synchronised elections are held. It is assumed that the situation could lead to national issues impacting electorate's behaviour for voting in state assembly elections and vice-versa. As a result, voter behaviour gets influenced and he/she may vote for the same political party, which in most cases may be larger national parties (Debroy and Desai, 2018). How realistic is such an assertion? In a study recently carried out by an institute after analysing four rounds of elections in 1999, 2004, 2009, 2014, it has concluded that "on an average, there is a 77% chance that Indian electorate will vote for the same party, both at the centre and state in case elections are held simultaneously."¹³ Hence the concern has quite a lot of relevance, but the point at issue is whether it is contributing to democracy, free and fair election, adult franchise, and a stable government. Definitely the answer is affirmative. Another advantage is that the candidates for parliament seats become aware of the local issues along with national issues, similarly the candidates for ward/council and assembly perforce has to understand and have a fair idea of national issues along with state and local issues. Thus it is contributing to better awareness of the governance and rising above the party lines with MP as the leader or moderator can carry out development of the area well-coordinated with MLAs and Councillors participating as members rather than carrying out development in penny packets or barely making waiting sheds or tiling foot paths rather than going for bigger issues. On the other hand there are numerous examples where voters did the contrary in which voted for smaller or regional parties in general elections despite the popular trend which supported larger parties. It is quite clear that these observations indicate the capacity of the voters to identify relevant issues which are in line with their best interests and voted for the best candidate which may even at times not conforming to the party lines. Generating a healthy competition and providing the best governance for the people is the essence of true democracy. It was very clear in the recently held general elections and state elections in Kerala, Maharashtra, Rajasthan and Uttar Pradesh, where voters were not confined to a party or purely convinced only by national agenda or state agenda. Hence the impact such behaviour of the voters' can be seen supportive of synchronised elections.

4.7.4 Other important issues

There have been other issues which were brought out in certain studies carried out by experts on the subject. Some of them are; frequent elections enhances the accountability of politicians which implies that unlike having to face electorate only once in five years in the case of synchronised elections they have to be on their toes always and frequent elections increase job opportunities and boosts economy at grass-root levels (Quraishi, 2016). In a conference held on 'Simultaneous Elections-Possibilities and Challenges',

organised by Association for Democratic Rights, one of the pertinent view was that “Synchronised elections will curb the voice of people living at the margins of the society by strangulating the scope for regional parties which reflect local aspirations/issues. This will reverse the process of deepening democracy” (Kumar, 2015). Most of the arguments and poll data do not support this view. In fact one of the strong counter points is that

“The fears that holding synchronized elections would affect the federal nature of the Indian polity appear to be completely unfounded. As a matter of fact, it would help in better coordination between the governments at the centre and in various states, rather than moving the country towards becoming a unitary state. Did the holding of synchronized elections between 1952 and 1967 in any way make the country a unitary state at that time? Is there any evidence to this effect for anybody to draw such a conclusion? India’s parliamentary democracy is based on strong constitutional principles and mature enough not to slip into a unitary model just because of synchronized elections. The country will achieve progress and remain strong only when the Centre and States Act as equal partners, irrespective of the political differences of those governing at the national and regional levels.”¹⁴

Views favouring synchronised elections have come from various quarters cutting across the party lines, nevertheless they have never gone uncontested, but the point to be considered is whether these criticisms undermine Indian democracy or have a feasibility challenge appearing to be unwarranted.

5 Findings

- 1 This analysis on various aspects of elections in India has provided certain important insights, which can be gainfully used for strengthening democracy. As India is the largest democracy, practices followed here are generally example for developed, developing or under developed countries. In most the countries world all over, there is a provision for ‘upper house’ for administering the country. Members for the upper house are nominated in some case, indirectly elected or directly elected. Present arrangement in India of having members based on the size, population appears to be lop sided as it gives unfair advantage to certain states, wherein by virtue of population tends to dominate all decisions having larger number of members both in lower house and upper house. This unquestionably compromises federal structure of the country, hence it is recommended to allocate members to lower house as hitherto fore and upper house on the pattern of USA or Russia.
- 2 Political parties are far too many in this country. In 2019 general elections as many as 650 political parties were registered. It is a clear case of dancing with democracy. Hence only those parties which have secured more than 16% votes in any general elections should be registered as national parties and registered. In case of a newly emerged party or independents, they should obtain the approval of 16 % of the electorate of the constituency after which registration for elections may be considered. Bye-elections to fill casual seats are a frequent affair. This is a strain on administrative process. To obviate this phenomenon, in case of a casual vacancy the second best candidate may be automatically upgraded as the elected member and the process be continued till the list lasts.

- 3 There is an unfair advantage to certain states by having legislative councils. It is barely 25% of the states which have this arrangement. As the duties are merely ceremonial for this constitutional body, logically should do away with legislative councils in these seven states and utilise the tax payer's money for better purposes. Judicial process in India is time consuming. There are far too many litigations and very few courts and judges.

6 Conclusions

Preamble of the Representation of People's Act, 1951 covers the practices and other offences at or in connection with elections and the decision of doubts or disputes arising out of or in connection with them. The political establishment of the present day is aware and better conscious of electoral process that what was at the time of framing of this Act. This has certain strengths and weaknesses.

- 1 Usually casual seats are caused by death (Section 52), seat becomes vacant (Section 147), election declared void (Section 149), or any other provisions of Sections 147–151 of the said Act. More often than not this creates additional administrative load and in some cases vacancy is created due to political strategy. This process may have democratic and cosmetic value, but has dire consequences on resources for the government and Election Commission. Hence automatic up gradation is the answer in single member constituencies.
- 2 If we contemplate on the election process except for USA and Russia, most of the countries do not have fixed timing for polls. Time is an important factor in every person's life. Imagine if the electorate is aware that after every five or six year's election will be held during a particular month and not as per convenience of few people, there is a chance for better participation of the electorate in the poll process compared to the present staggering rate of 50–60%. The next factor to be considered is multiple elections which is a money and time waster. In fact in India every six months or even in lesser period elections are held for one or the other reason. Imagine the tremendous self-inflicted loss. Can we mull over synchronised elections during these contingencies and those covered under Sections 52, 68, 69, 70, 147–151 whereby the first runner up is automatically upgraded as the elected?
- 3 It is interesting to note that the concept of synchronised elections is in-fact not new to the country. Post adoption of the constitution, elections to Lok Sabha and all State Legislative Assemblies were held simultaneously till the time this cycle of synchronised elections got disrupted. Next point is that whether there a requirement of legislative councils in the states or can we do without them? Does the present allocation of seats in Rajya Sabha give undue advantage to certain states? Essentially the members of the legislative council are elected or nominated by the same electorate which elects members for legislative assembly, so it can be done away with. As per the charter of duties there are no specific roles for them, except superfluous ones. There has been alarming state of absentees in the attendance of proceedings of both the houses. Under such condition realistically thinking there is no requirement of legislative councils.

With political parties mushrooming every day it is not far when the number of parties contesting national election would reach 1,000, hence certain qualitative requirements for parties registering for election are necessary. As both Lok Sabha and Rajya Sabha has provisions for nominating individuals as Member of Parliament those with independent opinion may only be nominated at national level. When it comes to State elections similar exercise needs to be carried out at the State level. Another consideration may be that in case of a political party is not able to obtain 1/6th of votes polled in any of the previous elections or an independent candidate is desirous of contesting the state election, the prospective candidate or party is authorised in case the candidate is able to obtain signatures of 1/6th of the registered voters of the constituency accepting nomination of the contesting candidate.

- 4 When a year before the schedule of election, dates are notified or announced then the voter can plan in such a way to make him available for the election. This would in most cases improve the voter turnout. As the petitions or appeals in respect of elections can be effectively handled by the Election Commission, by the expertise, knowledge and experience, it would be prudent to rest the authority of dealing with all petitions and appeals of elections to this august body. By this way it is not only that these cases will be dealt with expeditiously but also with certainty reduces the load on High Court and Supreme Court. Considering the advantages accrued, it would be correct to transfer all cases related to the Election Commission of the State and appellate power provide to the Central Election Commission.

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Notes

- 1 Act 43 of 1951 (17 July 1951), 11pp.
- 2 Article One of the United States Constitution
- 3 Presidential Decrees No. 1626 from 11 October 1993.
- 4 House of Lords Act 1999.
- 5 Fourth Schedule of the Constitution of India.
- 6 Representation of the People (Amendment) Act, 1988 (1 of 1989).

- 7 Section 80 A, The Representation of Peoples Act, 1951.
- 8 Section 98, 99, 116A.
- 9 <http://www.thehindu.com/opinion/lead/jagdeep-s-chhokar-and-sanjay-kumar-write-on-concurrent-elections-to-state-and-lok-sabha-elections-the-case-against-simultaneous-polls/article9150753.ece> [<https://www.thequint.com/opinion/2016/06/13/holding-ls-assembly-polls-together-is-desirable-but-not-feasible>] [<http://www.thehindu.com/opinion/op-ed/state-assembly-elections-nudging-the-voter-in-one-direction/article8438114.ece>].
- 10 <http://www.qktoday.in/blog/legislative-council-in-india>.
- 11 Section 166 A of the Act (14 December 1966).
- 12 Para 9.5 to 9.9 Report of the Parliamentary Standing committee on Personnel, Public grievances, Law and Justice – 79th report (December 2015).
- 13 <https://www.thequint.com/opinion/2016/06/13/holding-ls-assembly-polls-together-is-desirable-but-not-feasible>.
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