

SIMULTANEOUS ELECTIONS AND INDIAN DEMOCRACY: A HANGING FRUIT REQUIRING SAFER HANDS TO PLUCK IT.

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Abstract

A sound electoral system in general and free and fair elections in particular are the lifeline of modern democratic states. The Indian democratic system even though sustained from last 68 years is not properly working and the common man feels that the main problem lies in the electoral system among other problems. Post independent India as a whole has gone for elections first time in 1951-52 for electing members of Lok Sabha and state legislative assemblies. It was really a mammoth (like 8th wonder of world) exercise to conduct elections in a newly born democracy loaded with universal adult franchise much against the precedence set by other liberal democracies like USA, UK etc. The exercise of simultaneous elections continued up to 1967 with exceptions like Kerala and Orissa. The cycle of five years was however disrupted when the union govt under the provisions of so called "safety valve" provision of Art 356 dissolved the legislative assemblies in 1968-69. In global electoral politics, the concept of simultaneous elections has emerged as the best possible alternative to the current framework of frequent election.

Keywords: Mammoth, safety valve, perpetual, feasibility, synchronise.



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Introduction:

Elections are the eye opener and revealing aspect of **contemporary democracies**. They **highlight and bring into sight the actual nature** and functioning of the system as a whole. Elections are held for continuity of good governance in world democracies. In India the elections are the most important and integral of political process. Democracy functions upon the principle of free and fair elections, not manipulated and riggedⁱ. A sound electoral system in general and free and fair elections in particular are lifeline of modern democracies. The Indian democratic system is not properly working and the common man feels that the main problem among other problems lies within the electoral process. The task of conducting elections in India which one believes is like the eighth wonder of world has been assigned to Election Commission of India (art 324). To facilitate the conduct of elections by the Election Commission, the parliament has enacted the Representation of Peoples Act 1951 and the rules framed there under viz Registration of Electoral Rules 1960 and conduct of Election Rules 1961ⁱⁱ. Election commission is one of the four main pillars of Indian democracy. It is

one of the busy institutions in India because of the perennial election season of Indian polity as held by Bibek Debroy and Kishore Desaiⁱⁱⁱ.

The Election Commission conducts multiple elections every year. According to the strategic plan 2016-2025 published by the Election Commission of India “Indian general elections are the largest event management exercise on earth during peace times.”^{iv} While referring to the size and scale of Indian elections, the strategic plan document further notes that “The magnitude and complexity of Indian election can be estimated from the fact that the Indian elections are not only the largest exercise in logistics but are also considered as one of the most credible elections in the world^v. Post independent India as a whole has gone for election first time in 1951-52 for electing members of Lok Sabha and State Legislative Assemblies. It was really a mammoth exercise to conduct elections in a newly born democracy fleshed with Universal Adult Franchise much against the path set by other western liberal democracies like USA, UK, Switzerland, New Zealand etc. The exercise of simultaneous elections continued up to 1967 with some exceptions like Kerala and Orissa^{vi}. The cycle of five years was however disrupted in when the union govt under the so called “Safety Valve” provision of Art 356 dissolved the legislative assemblies of states in 1968-69 and in 1970 the term of Lok Sabha was itself dissolved prematurely and since then could not be synchronized. The Indian democracy barring a few exceptional years within a normal term of five years of Lok Sabha witnesses on average five to seven state elections every year^{vii}. In global electoral politics the concept of simultaneous elections has emerged as the best possible alternative to existing electoral frameworks of frequent elections.

Background of simultaneous elections:

The term of simultaneous elections ideally envisages that elections to all the three tiers of constitutional institutions take place in a synchronized and coordinated fashion. It means a voter casts his vote for electing members for all the three tiers of govt in a single day^{viii}. However in case of India the political theory of simultaneous elections means elections only for Lok Sabha and state legislative assemblies because the third tier institutions in India is a state subject as per the constitutional scheme and the responsibility for conducting their elections is vested in respective state election commissions. The concept of simultaneous elections has been implemented by many world countries like South Africa, Belgium, Italy, Sweden etc. The simultaneous elections has enabled world countries to considerably reduce their election expenditure, consolidate the national identity, stabilize the

state machinery and governance and minimize the constitutional disruption of public life^{ix}. These implications have rejuvenated the political discourse in India to think over and to reform the electoral framework.

The idea of simultaneous elections is not a new idea in India because post independent India started its democratic career with simultaneous elections in 1952. It is important to note here that simultaneous elections does not mean that all the voters across the country vote on a single day but it means that voters vote for both Lok Sabha and state legislative assemblies on a same day^x. The simultaneous elections is also called One Nation One Election (ONOE). The idea of one nation one election was floated by Election Commission of India in Sept 1982. In its first annual report of 1983, the commission listed the colossal expenditure and administrative slowdown as the reasons for synchronizing elections^{xi}. The proposal was however not taken seriously by then Congress Govt. In 1999 the Law Commission of India headed by Justice B.P. Jeevan Reddy in its 170th report on electoral reforms recommended simultaneous elections^{xii}. The idea was also supported by BJP hardliner L.K. Advani in 2009. After coming to power in 2014, Narendra Modi Govt by utilizing the readymade turf to spin and turn its own ball gave the call for one nation one election. The idea was given by N. Modi in 2016 before budget session in all party meeting. N. Modi ended his speech by saying that there is no doubt that there are many obstacles in the path of turning the idea of ONOE into reality but we should strive towards its realization and he himself elsewhere said that “mana ki andhera ghana hai.....magar diya jalana kaha mana hai^{xiii}”. The idea was quickly endorsed by President P. Mukherjee and consequently the Union Govt sought views from the public on MY Govt.in portal web to examine the idea.

Justification for holding simultaneous elections:

The need for simultaneous elections was felt essentially because over the decades Indian democracy has been a victim of insignificant party politics for electoral gains which has led to higher frequency of elections^{xiv}. The main arguments in favour of simultaneous elections are as under

A) It would reduce the massive expenditure incurred for the conduct of separate elections. According to “The Hindu” newspaper the ECI incurs a total cost of roughly 8000 crore to conduct all state and federal elections in span of five years or roughly 1500 crore each year^{xv}. In last Lok Sabha elections of 2014 the cost to Govt exchequer was estimated at 3870 crore while the state elections averaged 300 crore per state^{xvi}. Rupees 27 per voter is being spent

every year to keep india an electoral democracy.This amount can be easily saved under simultaneous elections.

B)Long season of election festivals leads to the frequent imposition of Model Code of Conduct(MCC) in the poll bound state /area.This imposition of MCC puts strong brakes on the entire development programmes and activities of the union and the state govts which leads to policy paralysis and governance deficit^{xvii}.

C)The simultaneous elections would free the crucial manpower deployed for prolonged periods on election duties .This was beautifully summed up by Dr S k Singh of Guatum Budha University as “during elections private schools go ahead with classes but govt teachers are preparing electoral rolls”

D) The simultaneous elections will ensure efficiency by management of precious time. It is found that almost half of the time is spent by politicians in concentrating on strategies for upcoming elections in one or the other state^{xviii}.

E) Spirit of policy making is another important advantage of simultaneous elections. The combined elections would give politicians enough time to concentrate on policy making without worrying about the votes being gained or lost.^{xix}

F) The simultaneous elections will help in arresting the unaccounted expenditure fueling corruption.^{xx}The estimates suggest that in a cycle of 5 years, out of total expenditure on elections 80% of that is unaccounted and illegitimate .This illegitimate amount is at the heart of black money and corruption in politics.^{xxi}

G) Simultaneous elections will help in curbing the problems of casteism, communalism , regionalism etc .Former Chief Commissioner S.Y Quraishi points that “Elections are polarizing events which have accentuated casteism, communalism and Crony capitalism.

Counter arguments against simultaneous elections:

Even though the idea of simultaneous elections has got enough support far and wide ranging from civil society groups, political institutions, law commission etc to parliamentary standing committee still it has not gone entirely uncontested. There is no dearth of critics who have opposed the proposal of one nation one election as irrational and politically motivated .They have supported their contention with following counter arguments:-

A) Difficult task : The conduct of simultaneous elections is not an easy job .The process would require a huge administrative and security staff which is very difficult to arrange which can have serious effects on the democratic credibility and image of india in world .

B) Operational feasibility : The idea of one nation one election also suffers from operational deficiency .The issues like, how the terms of ongoing lok sabha and state legislative assemblies can be synchronized, what would happen if govt loses majority in between the term etc.^{xxii}are very complicated to be made operational.These issues cause doubt on the idea of ONOE.

C)Amalgamation of national and state issues: The synchronized elections will have an adverse effect on the cooperative federalism in india as held by some critics .The state issues might be overpowered by national issues .It has the potential of eroding the political autonomy of states.

D) Impact on voting behaviour : The simultaneous elections will swing the voting behaviour between the centre and state issues .In Indian electoral democracy the majority of voters being illiterate would be unable to differentiate between the local and national issues under simultaneous elections .This can sometimes result in national issues impacting electoral behaviour in state elections and vice-versa.^{xxiii}As per study published by IDFC Institute “on an average 77% of indian voters will vote for same party for both state and centre when elections are simultaneously held”.^{xxiv}

Stand of persons, parties and institutions on ONOE:

The idea of one nation one election has been spoken quite about a few years back and seems fast becoming a national concern .The idea is not only being discussed in print and electronic media by experts but also the common people expressed their inputs through web portal MyGov .in about its desirability and other related issues.

Stand of parliamentary standing committee: The department related parliamentary standing committee was constituted by N.Modi led govt on 1sept, 2014 under the chairmanship of Dr E.M.Sudarsana Natchiappan on the subject feasibility of holding simultaneous elections to lok sabha and state legislative assemblies. The committee after interacting with different stakeholders presented its report to Rajya sabha on 17 Dec, 2015.^{xxv}The committee suggested as under:-

a) The committee does not feel that simultaneous elections in every five year year cannot be held in near future but slowly it would reach in stages towards it by curtailing or extending the tenure of state legislative assemblies.

b) The committee recommended holding simultaneous elections in two stages. The committee recommended holding some legislative assemblies elections during midterm of

lok sabha and remaining with end of the tenure of present lok sabha I,e first phase in Nov ,2016 and second in 2019.

c) The committee expresses confidence that even though holding simultaneous elections in 2016 or even a decade may not be possible but certainly a solution will be found to reduce the frequency of elections so as to enable india to compete in developmental agenda with other world nations

d) The committee recommended that bye elections to all seats falling vacant to be held on predetermined date/ time frame.

e) The committee feels that even though gaining consensus among all political parties may be difficult in certain parts of country but in the larger context of economic development and election manifesto implementation, the idea needs to be weighed and deeply thought upon by the political parties.

Views of Election commission of india:

After N.Modi floated the idea of ONOE the Law ministry has sought views of the ECI. The then Chief Election Commissioner Nasim Zaidi said that election commission is ready to hold simultaneous elections and the job is not insurmountable for the commission provided certain conditions are met and more resources are provided. The commission demanded two things to be noted, firstly several constitutional amendments to articles 81,82,83,85 and 356 be made and secondly there has to be a consensus among all political parties. In an interview Zaidi said that “As a commission, this is one our recommendation to the law ministry that elections to lok sabha and state legislative assemblies could be held simultaneously.....we would need certain logistic arrangements interms of procurement of more EVM’s ,hiring temporary workers etc.....we are on board with our proposal that elections can be held simultaneously provided there is consensus ,unanimity of opinion among political parties, plus necessary constitutional amendments in constitution.^{xxvi}The commission would need RS 9284.15 crore for purchase of EVM’S and Voter Verifiable Paper Audit Trial (VVPAT) machines as per the report of parliamentary standing committee.

Stand of major political parties on the idea of ONOE

Bhartiya janata party: Sambit Batra –BJP’S spokesman in conversation with Bureaucracy Today opined that “BJP welcomes the idea”. We believe in a consensus based approach keeping the spirit of cooperative federalism.^{xxvii}Prime Minister N Modi has made it clear that

BJP is not interested in thrusting the idea on other parties. The idea needs to be debated and discussed at all levels before moving forward.

Indian national congress: The INC has stated that....the proposal of simultaneous elections, ideal it may sound is impractical, unworkable and can lead to a scenario where the necessary balance in Indian democracy given the diversity of country is lost.^{xxviii} Manish Tiwari the former congress union minister holds that idea of ONOE is not only impractical but also against the spirit of federalism and would destruct the democratic basis and spirit of cooperative federalism.

Communist party of India: The CPI holds that though the proposal of simultaneous elections looks ideal but it is beset with many practical difficulties. The party in its suggestions to parliamentary committee held that there would be mid term elections in states, due to the political instability. The terms of such legislative assemblies can't be reduced for the sake of simultaneous elections. It would be an undemocratic measure to cut short their term midway.^{xxix}

The other parties like All India Trinamool Congress (AITC), Nationalist Congress Party (NCP), CPI(M) and All India Majilis-e-Itehadul Muslimeen (AIMIM), which have outrightly rejected the idea of ONOE on one or the other pretext. These parties believe that the idea of one country one election is against the constitutional and statutory framework of Indian democratic system. Sitaram Yechury of the CPM while expressing his opinion to Bureaucracy Today categorically denies any possibility of holding simultaneous elections.^{xxx} He says "the idea of ONOE would remain bogus idea until art 356 gets deleted from constitution. It is a step towards becoming unitary state.

There are however many parties that have supported the idea of one nation one election. The idea was also supported by AIADMK, AGP, DMDK, SAD and Indian Union Muslim League (IUML) in the interest of general public considering the merits of simultaneous elections.

Conclusion: The idea of one nation one election is an interesting and debatable idea. The idea can serve as a long term structural reform and a stepping stone towards improved governance and to reboot the Indian polity. It is an undeniable fact that the proposal of "ONOE" is sound prescription for the treatment of many ailments present in the Indian body politic. Ever since N Modi gave the slogan "ek desh ek chunov" (one nation one election), the ball has been set rolling. In his maiden address to the joint sitting of parliament president Ram Nath Kovind

made a strong pitch for ONOE and called for a consensus among political parties. Recently Chief Election Commissioner O P Rawat while speaking to media said that the commission is ready to hold simultaneous elections by the end of 2018 which appears to be an uphill task given many ifs and buts linked with the implementation of the idea. However recently finance minister Arun Jaitly told NEWS 18 Editor in Chief Rahul Joshi that even though govt wants simultaneous elections, but it is not necessary that dates will be advanced for that. He said untill constitution is not amended and a consensus is reached on contentious issues ,the assembly and lok sabha elections will not overlap .The idea of ONOE needs to be thoroughly debated and discussed .No doubt the idea of simultaneous elections looks to be a high impact factor electoral reform but on the thorny political turf of india it can have serious consequences also .No body is against reforms but while reforming the system one should not go from bad to worse .Furthermore one should note that after the passage of Anti Defection Law in 1985 and the landmark judgement of Supreme court of india in S R Bomai case of 1993, the problem of premature dissolution of legislative assemblies has declined to a greater extent .The idea of simultaneous elections appears to be a big step in right direction but any sort of haste on the part of national leadership may have serious ill effects on the overall working of the Indian political system. The vision of N Modi that “in order to meet the challenges of change mere incremental progress is not enough but a metamorphosis is needed.....rapid transformation and not gradual evolution is needed ”if applied to the idea of one nation one election needs to be sold out at all levels ,both in and out to evolve a greater political consensus .The process of rapid federalization of Indian party system which is infact also indirectly highlighted by parliamentary standing committee demands that clubbing the two elections can be realized only with the cooperation of political parties. The idea of simultaneous elections though attractive may have to find solutions to some concerns before implementation. The intricacies and complexities linked with the proposal of simultaneous elections should be debated and discussed through out the length and breadth of Indian democracy with the application of principle of consensus and accommodation. India cannot shy away from and ignore the warning signs that has become a cancer in the system responsible for both corruption and displeasing governance .The national leadership must display a sense of coolness and calmness in implementing the proposal without haste because as goes the old saying that “haste makes waste”. Whenever any headway towards implementing the proposal of one nation one election is made, it should always be backed by

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what J J Rousseau called Real Will to cure the diseases and not by the political expediency on the part of ruling dispensation .One can conclude this discussion with the note that ONOE idea is like “ a hanging fruit requiring safer hands to pluck it” for a hungry person.

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