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Research Article

Prudence of Simultaneous Elections in India

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Abstract:

Democracy is based on the premise of political accountability and this concept of political accountability is that political class should be made accountable to the people and it is through the process of election that this accountability is ensured in the system. The very goal of winning elections creates pressure in the mind of political class to deliver and perform because if they fail to deliver what they have promised, then their credibility comes under question and it can eventually hamper their chances of winning elections again. The election process strengthens people believe in democratic principles. Free and fair elections establish a belief in the mind of voters that political class can be made directly accountable to the people. It is through this procedure only their belief in democratic values get emboldened and the real credibility of politicians gets established which will eventually impart true legitimacy to the system. It is through elections only formal accountability can be ensured and through this only political class can either be rewarded or punished.

In India every five years there are elections for central and state governments. In every three months we see election happening in one or another part of the country. Country is always in election mode. Honorable PM Modi and central government advocated simultaneously elections to save the country from election mode. There are two issues involved in the debate on holding simultaneous elections one is that of desirability and the other is the issue of feasibility. On the first issue there seems to be a broader consensus that it is desirable to have simultaneous elections as it is a financially prudent idea, will ensure governance, will relieve armed forces etc. the main issue on which certain doubts are being raised by experts is that of feasibility of holding simultaneous elections. In this article we will try to figure out how far it is feasible to have simultaneous elections in India.

Citizen's participation in the affairs of state is at the core value of democratic state. In a democratic state politicians are expected to frame policies keeping in mind the wishes of the people and the policy should be formulated after having wider consultation with the interested parties. Now in a

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democratic set up it is very difficult to ascertain what the real will of the citizen is and how to gauze it. In this process election plays a very significant role. It is through election power is legitimized. People will have faith in democracy only when they have faith in the election system. So true legitimacy in a democratic system can only be achieved if elections are conducted in a free and fair manner. The requirement of election legitimacy is contained in Universal Declaration of Human Rights. The purpose of election is to ensure that citizens lend legitimacy to the government.¹ The purpose of elections is to establish democratic rule where authority is based on the consent of the people.

The election system is the pillar of Indian democracy. Since India is a federal country, elections are conducted at various levels that is national elections for Lok Sabha, state legislative elections and local bodies elections after 73rd and 74th Constitutional amendment.² On the whole, the beauty of these elections lies in the democratic system. Till 1967 simultaneous elections were conducted for Lok Sabha and state legislative assembly. In 1968 and 1969 some state assembly were dissolved prematurely due to which the cycle of simultaneous elections got broken. Incidentally in 1970 Lok Sabha was dissolved prematurely and elections were held in 1971. After this premature dissolution became a common feature of Indian democracy due to which the cycle of simultaneous elections got disrupted. In India with every passing year elections are getting more and more expensive which is evident from candidates contesting elections crossing there ceiling limit set by Election Commission of India.³ The whole debate on holding simultaneous election in India emerged in this background. Even much before Prime minister Modi airing this idea of Simultaneous elections it was L K Advani who way back in 1995 gave a call for restoring simultaneous elections and extended all parties to collectively demand its restoration in the interest of the country. Even law commission of India in its report on electoral reforms recommended the same in order to bring stability in the system. Majority of political parties have welcomed the proposed electoral reform of holding simultaneous elections to Lok Sabha and state legislative assembly and to ensure their full term. The election commission of India has mounted the proposal so that people have the right to elect government within a stipulated period.⁵

Rationale of Simultaneous Elections

Simultaneous elections at all levels of government i.e. national, states, and local bodies should be synchronized is such a manner that a voter can cast his vote to all levels in one single day. Under this scheme citizen is expected to cast his/her vote for all levels of government i.e. for parliament, state legislature and local bodies on a single specified day in one go but this does not mean that every citizen has to vote for all levels of government on that one particular single day. The Election commission of India can also conduct elections for all these levels in a phased manner as per the existing practice.⁶

Justifications for holding Simultaneous Elections

The moment elections are announced by the election commission for state legislative assembly is or national election Model Code of Conduct (MMC) comes into force. Now this MCC is mutually agreed code of conduct which all parties have to follow. In general election this code is applied to the whole country whereas in state legislative assembly it is confined only to the state where elections are announced by election commission. During the MCC no new program or policy can be initiated by the government as it is believed that in order to allure masses favorable schemes can be floated by the ruling party which will give undue advantage to them in elections.⁷ Thus no new scheme can be announced

during this MCC. During Model Code of Conduct the state can carry on with their routine administrative matters. ⁸ Former chief election commission H S Bhrama in 2015, while speaking on the disadvantage in the present system states that our country is always in election mode as elections in one or other states keep on happening around the year and this is very much true as we ourselves have witnessed elections taking place in one or another state. There is hardly any year where no elections take place. So he is right when he says that political parties are always in election mode. The main problem arising out of this is highlighted in 79th parliamentary standing committee report.⁹ The committee in its reports alleges frequent imposition of MCC is responsible for delays in developmental act ivies and considers it as a big challenge for governance in our country.¹⁰

Fiscal Prudence

In order to conduct free and fair elections government of India incurs huge expenditure on it. Apart from government, candidates and political parties also spend huge amount on elections.¹¹ In India there is prescribed limit for the candidate to spend on election but strangely no such limit is placed on political parties. Political parties can spend as much as they want in order to win elections.¹² Huge amount has been spent by political parties Dr S.Y Quraishi, former Chief Election Commissioner believes that in India elections breed corruption and after winning elections politicians along with bureaucrats tend to recover money which they have spent on elections.¹³This tendency to spend more and more on elections to win elections is the main driving force for corruption and black money in the country. Simultaneous elections would reduce burden on the exchequer as all the elections can be conducted in one single go. In this way state can save lot of money and the same amount can be put to productive use by the state.¹⁴

Will strengthen internal security of the country

In order to conduct free and fair election, Election Commission deputes central armed police forces. During election law and order is under election commission so during election there is a heavy deployment of forces by election commission. Now in the absence of simultaneous elections are always around the corner in one or another state. So these very armed forces keep on shuffling from one election state to another. Such an exercise takes away large junk of security forces which otherwise are required for the normal security of state. So if polls are conducted simultaneously then these very security forces will be available for greater period of time and will ultimately improve internal security of the country.¹⁵

Reduce Disruption in normal public life caused by frequent elections.

The Parliamentary Standing committee on Personnel, Public grievances, Law and justice in its report highlighted the fact that with frequent election in one or another state the normal life of citizens gets disrupted. This disruption happens because of model code of conduct; political rallies due to which traffic gets obstructed and it also lead to noise pollution.¹⁶

Reduce communal and caste overtones

Its been generally observed that political parties in order to win elections use caste and communal overtones which often leads to riot like situations. So if country remains in election mode, then citizens will not get any respite from these evils as political parties will keep on using these very issues to ignite people sentiments in order to win elections. Former Chief Election Commissioner, Dr.S.Y Quarishi believes that holding simultaneous elections would certainly bring certain amount of respite from these

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evils.¹⁷ Religion and caste are critical features of Indian polity as on these issues only different political parties want to earn political dividends. The committee observed that this is the opportune time to have simultaneous election in our country as we already have in place anti-defection law in our country. Earlier in the absence of anti-defection law M.P or M.L.A jumped from one political party to another due to which we witnessed early dissolution of state legislative assemblies or parliament and it was because of this the whole cycle of simultaneous elections got disrupted but now since we have anti-defection law in place this very jumping of sides by parliamentarians or state legislators from one political party to another political party has stopped due to which we have managed to achieve stability of tenure. ¹⁸ Despite including secular word in our constitution political parties tend to ignore this fact and they keep on using communal and religious overtones to win elections. ¹⁹ It has been generally observed that during elections there is a sharp rise in communal and caste clashes because politicians tend to ignite communal and caste clashes will also come down. Hence simultaneous elections will definitely help in curtailing the use of caste and communal overtones by political class for securing their petty political gains.

Recommendations Made by parliamentary standing committee for holding simultaneous elections

The issue of holding Simultaneous elections was also examined by the Standing Committee on Personnel, Public Grievances, Law and Justice chaired by Dr.E.M. Sudarsana Natchiappan. The committee in its report talks of restoration of simultaneous elections. In its report Committee noted that the holding of simultaneous elections will help curtail massive expenditure on elections. It will reduce disruptions in developmental work which happens because of frequent imposition of Model Code of Conduct. With it governance of the state will eventually improve. In addition to this it will also lead to judicious use of our security forces for the maintenance of internal security of the country.²⁰

Anti-defection law and President's power to proclaim emergency:

The parliamentary committee also touched on some of the incidental advantages of Anti-defection law and Supreme Court placing a check on the powers of the President to declare emergency after S.R Bommai judgment whereby presidential power of declaring emergency under article 356 is not absolute and came under the jurisdiction of supreme court through judicial review. After the S.R.Bommai judgment the Supreme Court can check the validity of report on the basic of which emergency is imposed In a particular state. Before these two developments, defection and misuse of article 356 were responsible for premature dissolution of state legislative assemblies due to which it was extremely difficult to synchronize national and state elections. But with the coming up of anti-defection law and S.R Bommai judgment, dissolution of state assemblies on arbitrary grounds has almost stopped so the committee is of the view that in the light of above changes the time is ripe enough to switch over to simultaneous elections.²¹

Critical evaluation of Issues involved in holding Simultaneous Elections

The first justification given for simultaneous election is that of financial prudence. There is no denying the fact that huge money is pumped to conduct elections in India. In India we have defined limit on the amount which a candidate can spend on election and the detail need to be furnished to Election

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Commission of India but there is no such limit for the political parties. It's generally seen that invariably the candidate exceeds this limit in order to allure and attract voters. So the major issue over here is of compliance of norms. No one doubts the fact that if we manage to reduce number of elections the expenditure of elections will drastically come down but we should not reduce democratic procedures to such a level by saying that it's too expensive and time consuming. The kind of system which we have developed over a period of time has within it the required mechanism of checks and balances. So holding different elections at different times is one of the ways through which checks can be placed on the system. If we really want to reduce expenditure and avoid over spending in elections then there need to be a stringent cap which need to be placed on political parties and candidates.²²

Second argument given in support of simultaneous election is that with its introduction overall governance of the state will get improved as developmental projects within a state will not get stalled due to frequent elections which in turn are accompanied by Model Code of Conduct (MCC). Frequent elections and MCC do affect the normal governance of the state and often leads to policy paralysis. While this is true that from the time model code of conduct comes into play government cannot initiate or announce and new plans or programs. Along with this one should also remember the provision which is there in the MCC according to which certain policy decisions can be taken with prior approval of Election Commission of India. Apart from this one should also remember that MCC applies to poll bound state only so with its coming into play it will have very less impact on the governance of the rest of the country. So if the ruling class has the determination to work with right intentions developmental works will not get disrupted because of frequent elections and will in turn have no impact on the governance of the state.²³

Thirdly it is not proper to use the slogan 'one country one election' for justifying simultaneous elections in India as it goes against the basic spirit of federal character of our country. We can think of one election at the national level by having national general election but the very idea of having simultaneous national, state and panchayat election will heavily undermine the federal character of our state and will be a step toward a unitary state. Simultaneous elections of state and central legislature will have a negative impact in the sense that once voted to power the central government can ignore issues pertaining to state development. Holding elections at different intervals actually strengthen federal design. Since elections are always around the corner the central government has to address the issues confronting states as they also have to go to the polls sooner or later. In order to win elections in different states they will have to take into account the issues confronted before different states.²⁴ Like just before J and K Election 2015 when the state was about to go to polls and faced flood crisis, the PM personally went there and announced rehabilitation package for the state. So sometimes states elections forces the central government to take cognizance of their demands and issues.

Another justification given for holding simultaneous elections is that we as a country started with simultaneous elections where both central and state assemblies' elections were conducted simultaneously till 1967 and it was only after this election the cycle broke down and we started having different elections at different time. So when we had this system during the initial years then why can't we have it now? It's true that for the first four general elections everything was done simultaneously but that was a time when we had just started our journey towards democracy and regional parties were not able to emerge as a significant force in the states so simultaneous elections during that time just happened and didn't

happened because of a constitutional design. Later as the politics in the country has grown and we have seen the emergence of different regional parties which led to such developments where election cycles were broken.²⁵

Another justification given for simultaneous elections is that it will hugely benefit the economy and it will be financially prudent for the state to go ahead with the idea of simultaneous elections. This whole idea of financial prudence is grossly flawed in a living democracy. In a democracy gauzing the mood of nation is more important than calculating the cost we are supposed to pay for conducting elections in order to sustain democracy. It is only through elections one can gauze the mood of the nation. The government can conduct any number of surveys to show the success of government policies and programs and the acceptability of these policies and programs by the citizens but the true success of government performance can only be ascertained through elections. So it is only a very small price which the taxpayer citizens have to bear in order to sustain democracy. It is only through frequent elections that fresh mandate is given to government policies and programs.

In our constitutional scheme of things there are inbuilt provisions of checks and balances like Rajya Sabha places a check on the functioning of Lok Sabha. Now if proposal of simultaneous elections is accepted in principle then it will severely compromise our system of checks and balances which has evolved over a period of time. We all know that Rajya Sabha places a check on the functioning of Lok Sabha. The composition of Rajya Sabha changes every two years due to different states elections happening at different intervals. Now if state and central elections are supposed to be held simultaneously then the voter has to cast his/her vote on the same day. In such a scenario the obvious choice of voter will be to vote for the same party both at the state and central level due to which the composition of Lok Sabha and Rajya Sabha will be the same as the same party will be in majority in both the houses of parliament. In such a situation the checks which Rajya Sabha exercises on the functioning of Lok Sabha will disappear. So by going in for simultaneous elections we will hugely compromise the inbuilt system of checks and balances.

Under the Indian Constitution, an elected government at the Centre and the States may be defeated in the lower house on budget proposals and may be voted out of power. There is also provision for "no confidence" motion against elected governments both in the Lok Sabha and Assemblies which, if passed, will mean fresh elections known as "mid-term election". It is a democratic instrument which will be affected if the concerned State or the country has to wait for the fixed date of election. In the case of Proclamation of Emergency for breakdown of law and order or constitutional functioning in any State leading to President's rule, fixed election date would mean a totally undemocratic situation. The concerned State will have to wait for the next election date and submit to Central rule in the intervening period. The practical consequences of these two situations are many and go against the spirit of democracy and the representative system. Importantly, multiparty system has taken deep roots in India. State level and regional parties immensely concerned with local problems are as much national and patriotic as the national parties. Even some national parties lack a federal structure which is necessary for simultaneous elections to take up issues which are predominantly of local interest.²⁶

The debate on simultaneous state and central election has cropped up in the background when one party gained thumping majority. But one has to see things in totality. It is just a matter of chance that one party has gained majority in the center. In case there is re-emergence of coalition era where no political

party gets an absolute majority then in such a situation this very same idea will have serious implications. Supposing the power in the center or state is destabilized due to certain actions or inaction on the part of ruling dispensation which are not acceptable to coalition partners then in such a situation no party will have the numbers to continue in office so under such circumstances how will the rest of the term be carried out. On this issue there was certain recommendation which were made by the parliamentary standing committee.

First recommendation made by the committee is that there should be confidence motion immediately after no confidence motion. The basic logic given for this alternative is that in case of general or state elections where no political party gets a clear cut majority and where there is no pre-poll alliance, different political parties with different ideologies sit together; chalk out their agenda of alliance and form a government on the mutually acceptable terms and conditions. Now when such an exercise can be carried out in this scenario then why can't they forge such an alliance under the scheme of things advocated under simultaneous elections? It is true that alliances formed are voluntary in nature and is based on mutually acceptable common agenda. In case the ruling dispensation moves away from the common agenda or refuses to follow common agenda, the alliance breaks and re-elections are ordered. But under the scheme of things advocated under simultaneous election but to forge an alliance even though they are not able to work out common minimum agenda of governance. This very step in itself goes again the very nature of representative form of democracy.

The constitutional scheme of things which India is having right now is of such a nature that it would be very difficult to synchronize national and state elections. As per the provisions of the constitution the tenure of the parliament and state legislature can be curtailed if the party in power loses the required number in the parliament or state legislature. So in such a situation you have to dissolve the house because you don't have the number and on certain occasions the ruling party wants to dissolve the house early and recommends having reelections. So under present constitutional scheme of things it is very difficult to synchronize national and state elections. In order to synchronize state and national election there are few changes which need to be made in the constitution.

As per constitutional provisions except under an emergency we cannot extend the tenure of Lok Sabha and State Legislative assemblies beyond five years. Now if you want simultaneous elections then you will have to amend these provisions which are part of basic structure of the constitution.²⁷ The parliament according to Keshvanand Bharti judgment does not have the power to amend the basic structure of the constitution. So even if these articles are amended by the parliament there is a possibility that it can be struck down by the judiciary as it happened in the case of National Judicial Appointment Commission.

People have also politically matured to some extent to be able to distinguish the issues in national and State elections. There are also instances when they have voted for different parties/alliances for Parliament and legislature.²⁸ So the argument given if favour of simultaneous election is that now people in our country have matured enough to distinguish between national, state and local issues. But it is bit difficult to accept this argument. In a situation where large junk of population is still illiterate and have very little knowledge on issues confronting before our society. So in such a situation it has been generally observed that given a situation where citizens are made to vote simultaneously for different levels of

government they will tend to vote for the same party rather than voting for different parties at different levels.²⁹

Holding Simultaneous elections can also create confusion in the mind of the voters. As per the existing practice where elections are taking place at different intervals, it is easy for the voter to decide which party to vote for and on what issues but if the same voter is supposed to vote for all tiers of government on the same day then he will be in a state of confusion. It would be very difficult for him to decide which party to vote for and in this state of confusion he will, in all probability vote for the same party even though the issues of governance are different at all tiers of government. So under simultaneous elections there are greater chances of one party gaining maximum seat at all tiers of government. At one level this idea has an advantage of greater coordination among all levels of government as at all the levels there will be only one political party in power due to which there won't be any hurdles in the formulation and effective implementation of policies. It is not so that this proposition only comes with benefits as under simultaneous elections the present system of checks and balance will get hugely compromised.

With simultaneous election we will create a situation where the states and center will enjoy fixed tenure. By giving them fixed tenure we will heavily compromise on political accountability which accidentally got planted in our system with frequent elections.³⁰ If there is only one single party at all the levels of government and the people don't even have the chance of changing them before the completion of their defined term of five years then there emerges greater chances of misuse of power. Under the present system the voter through frequent elections places a check on the functioning of government. Even if a clear mandate is given to one single party in national election then also that party cannot misuse their authority because in case there is any abuse of power by the ruling dispensation, then they will have to face the electorate in different state and municipal elections. So under frequent elections there are very less chances of power being misused as the ruling dispensation knows that they are supposed to face the electorate in different election help in gauzing the current mood of the nation and though this ruling party in power can also judge the mood of the nation on the policies and programs pursued by them.

Simultaneous elections will also have a negative impact on the interaction between the political parties and voters. It has been generally observed that it is only during elections there is direct interaction between the political parties and voters and it is only during elections public opinion counts. Once the elections are over and the mandate has been given to them to rule, the ruling political party cites the clear mandate given to them by the people as a shield to take all decisions even though the decisions taken by them are not part of their manifesto. What powers people have in a democratic system when the incumbent government indulges in corrupt practices? In case both the elections to state and center are held simultaneously the ruling dispensation will get a free hand to carry on with whatever they wish to do. Every ruling party knows the art of managing elections. All the political parties are aware of the fact that people's memory is very short and they tend to forget the corruption issues. So in such a situation the ruling dispensation will use it to their advantage. If elections to state assemblies are held at different stages then the ruling party at the center cannot brush the corruption issues under the carpet because these corruption issues will become election issues in subsequent elections in the states. So in such a scenario the ruling party is under enormous pressure to ensure high standards in the government functioning as they very well know that it will have an impact on the coming state elections. Just imagine a scenario where both the elections are held simultaneously. In this situation can you expect a change in the stand of government policy under public pressure? The answer to this is no as they know that the situation in

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center and state cannot to altered at this stage as there are no elections coming. So these issues will become real elections issues only at the end of five year term not before that but with different state election, round the corner the government will be made to function in a responsive way as these very issues can become elections issues in state assembly. So democracy demands regular responsiveness and accountability of politicians towards citizens.

On the issue whether it is desirable to have simultaneous elections or not one can easily say with certainty that it is highly desirable to have simultaneous elections as it is financially prudent, reduce expenses, help the country get rid of black money, reduce caste and communal overtones, improve governance, will help strengthening the internal security of the country and will ensure full term so that nation can progress in a stable environment. But on the issue whether it is feasible or not there are certain apprehensions as there are lot of steps which the ruling dispensation will have to take before accepting it in principle. Firstly in order to have simultaneous elections the constitution needs to be amended as under constitution the tenure of the Lok Sabha and State Legislative Assemblies cannot be extended beyond five years. On this there are certain doubts whether the constitution can be really be amended for this as one has to see this issue in the background of Kesavananda Bharati judgment which says that constitution. So legally speaking one has to check whether these amendments will come under the ambit of basic structure of the constitution or not.

Secondly, consensus needs to be generated among different political parties as the biggest loser in simultaneous elections will be the regional parties. Now if simultaneous elections are accepted in principle then can regional parties even hope and afford to compete with national parties. Thirdly, before accepting simultaneous elections the ruling dispensation has to convince the regional players that it will have no impact on the federal structure which is envisaged in our constitution. In parliamentary system the government remains till the pleasure of the people so under it the people have the right to bring down government. With simultaneous elections the government required term of five years can be ensured and through it the problem of instability can be tackled effectively. But along with this one also need to ensure that the inbuilt system of checks and balances along with the system of accountability is also not compromised.

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