

Simultaneous Elections

June 27, 2019

Manifest pedagogy

This year has been an election year. So there is a high probability of asking questions from this year in upcoming mains exam. It gets an added importance with the PM giving the call for Simultaneous Elections

In news

- Government has been pushing for “One nation, one election” (simultaneous elections) concept.

Placing it in syllabus

- Electoral Reforms (not explicitly mentioned)

Static dimensions

- What is the idea behind

Current dimensions

- Why is it needed
- Criticism against simultaneous elections
- Draft report on simultaneous elections (What needs to be done)

Content

The term “Simultaneous Elections” is defined as structuring the Indian election cycle in a manner that elections to Lok Sabha and State Assemblies are synchronised together. The voter would normally cast his/her vote for electing members of Lok Sabha and State Assembly on a single day and at the same time. However this can be conducted in a phase-wise manner as per the existing practice provided, voters in a particular constituency vote for both State Assembly and Lok Sabha the

same day. (NITI aayog)

The concept of simultaneous elections is in fact not new to the country. After constitution was adopted elections to Lok Sabha and all State Legislative Assemblies were held simultaneously over the period 1951 till 1967. After that, some state elections went out of step given that assemblies were dissolved before their full term. This situation of asynchronous national and state polls has remained since then.

Why are simultaneous elections needed?

- Efficiency The model code of conduct (MCC) implemented by the Election Commission before every poll prevent parties in government from taking unfair advantage of the administrative apparatus under their control. By implementing simultaneous polls, the time lost to the model code would come down. The frequent imposition of the MCC puts on hold the entire development programme and activities of the Union and state governments in the poll-bound states and thus leading to policy paralysis and governance deficit.
- Reduces cost Simultaneous elections would help save precious tax payers money. Elections lead to huge expenditures by various stakeholders. Every year, the Government of India and/or respective State Governments bear expenditures on account of conduct, control and supervision of elections. Besides the Government, candidates contesting elections and political parties also incur huge expenditures.
- Engagement of security forces for significantly prolonged periods can be avoided The Election Commission of India takes help of a significant number of polling officials as well as armed forces to ensure smooth, peaceful and impartial polls. While conducting elections to the 16th Lok Sabha, the ECI took the help of approximately 10 million personnel as polling officials. For providing the required security arrangements,

generally Central Armed Police Forces (CAPF) are deployed. This takes away a portion of such armed police force which could otherwise be better deployed for other internal security purposes – the basic responsibilities for which these forces were developed for.

- Frequent elections disrupt normal public life and impact the functioning of essential services. Holding of political rallies disrupts road traffic and also leads to noise pollution.
- Frequent elections perpetuate caste, religion and communal issues across the country. The elections are polarising events which promote casteism, communalism, corruption and crony capitalism. Hence if the country is perpetually on election mode, there is no respite from these evils.
- Frequent elections adversely impact the focus of governance and policy making. The cycle of continuous elections force the political class to typically think in terms of immediate electoral gains rather than focus on long-term programmes and policies for the overall progress of the nation and its people. As a result, sound long-term economic planning often takes a back seat.
- The impact of black money on the voters will be reduced as all elections are held at a time.

Key criticisms against holding simultaneous elections

1. Operational feasibility The feasibility to extend or curtail the existing terms of some State Assemblies to facilitate simultaneous elections is questionable. What would happen in case the ruling party or coalition loses majority in between term, either in Lok Sabha or in State assemblies is unclear.
2. Operational challenges For the ECI to conduct elections at such a large scale – considering logistics, EVMs, security and manpower resource requirements would be a

tedious task.

3. Impact to voter behaviour Indian voters are not informed enough to differentiate between the voting choices for State Assembly and Lok Sabha in case simultaneous elections are held. This situation could lead to – a) National issues impacting electorate's behaviour for voting in State Assembly elections; or b) State issues impacting electorate's behaviour for voting in Lok Sabha elections. 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.
4. According to a study by the **public-policy think tank IDFC Institute** "there is a 77% chance that the Indian voter will vote for the same party for both the state and Centre when elections are held simultaneously," which trend the study calls an "undesirable impact on voter behaviour". Simultaneous polls could help parties that have a multi-state presence.
5. Having to face electorate more than once every 5 year enhances the accountability of politicians and keeps them on their toes. Or else the interaction between politicians and people gets reduced which would place less pressure on governments to work for the voter.

As a result, its critics feel holding polls simultaneously will undermine Indian federalism.

The key constitutional and statutory provisions available regarding elections are

- Article 83(2) of the Constitution provides for a normal term of five years for the House of People (Lok Sabha).
- Article 85 deals with dissolution of Lok Sabha by the president.
- Article 172 (1) provides for similar tenure for State Legislative Assembly from the date of its first sitting.
- Article 174 deals with dissolution of state legislative assemblies.

- Both Lok Sabha and State Assemblies do not have a fixed term and can be dissolved earlier than its normal terms.
- Tenure of the House cannot be extended beyond 5 years except in emergency situation.
- Section 14 and 15 of the **Representation of People Act, 1951** empowers the Election Commission of India to notify the elections to both the Lok Sabha and State Legislative Assemblies six months prior to the end of the normal terms of the Houses.

Draft report on simultaneous elections(suggestions)

The **Law Commission of India** (Chair Justice B.S. Chauhan) released its draft report on Simultaneous Elections in August, 2018. Key draft recommendations include

The Commission noted that simultaneous elections cannot be held within the existing framework of the Constitution. Simultaneous elections may be conducted to Lok Sabha and state Legislative Assemblies through appropriate amendments to the Constitution, the Representation of the People Act 1951, and the Rules of Procedure of Lok Sabha and state Assemblies. The Commission also suggested that at least 50% of the states should ratify the constitutional amendments.

- The Commission noted that holding simultaneous elections will

1. save public money,
2. reduce burden on the administrative setup and security forces,
3. ensure timely implementation of government policies,
4. ensure that the administrative machinery is engaged in development activities rather than electioneering.

- The Commission recommended **three alternatives to synchronise elections in India.**

1. It recommended advancing or postponing election timings

in certain states, such that elections to all state assemblies and Lok Sabha may be held together.

2. In case of Assembly elections due before Lok Sabha elections their term may be extended to synchronise it with Lok Sabha elections by amending the Constitution.
 3. In case of Assembly elections due immediately after Lok Sabha elections, if there is political consensus, elections to the assemblies can be held with Lok Sabha elections, if the states voluntarily dissolve their assemblies earlier or by operation of law.
- If simultaneous elections cannot be conducted, then the Commission recommended that all elections falling due in a calendar year should be conducted together. The timing of such election should be conducive to all state legislatures involved and the Lok Sabha (if dissolved earlier). This option will also require amendments to the Constitution and the Representation of the People Act, 1951.
 - It recommended replacing the 'no-confidence motion' with a '**constructive vote of no-confidence**', through appropriate amendments where the government may only be removed if there is confidence in an alternate government.
 - In order to prevent hung assembly,
1. It recommended that the President/ Governor should give an opportunity to the largest party along with their pre or post-poll alliance to form the government.
 2. If the government can still not be formed, an all-party meeting may be called to resolve the stalemate.
 3. If this fails, mid-term elections may be held, however any new Lok Sabha/Assembly formed after mid-term elections, will be constituted only for the remainder of the previous term, and not the entire five years.
- Commission recommended that appropriate amendments be made to anti-defection laws to ensure that all

disqualification issues (arising from defection) are decided by the presiding officer within six months.

Elections impact everyone in the entire country – citizens, businesses, administrative machinery, constitutional institutions and political parties. Eventual implementation of this measure would not only require significant Constitutional and Statutory amendments but also significant consensus amongst the key stakeholders. Without a general consensus and wider acceptance, its intent and efficacy could be compromised. The Constitution does provide sufficient room to make amendments to suit the changing times and needs of the country. This flexibility is not just an enabling tool but in fact a responsibility on Governments to provide the best governance systems, processes and opportunities to its citizens.