

Desirability of Holding Simultaneous Elections in India: Pros and Cons

Mrs.Nidhi Gupta

Introduction

It won't be unreasonable to state that the Indian polity is perennially in an election mode. Barring a few exceptional years within a normal 5 year tenure of the Lok Sabha, the country witnesses, on an average, elections to about 5-7 State Assemblies every year. A serious need to evolve a mechanism to end this frequent election cycles has been expressed by various stakeholders since quite some time now. Is India headed towards a system of simultaneous state Assembly and Lok Sabha elections every five years? There seems to be gathering momentum for the proposal. More recently, the Hon' ble President of India and the Hon' ble Prime Minister strongly pitched their support for holding simultaneous elections at public forums. The Hon' ble President in his speech that opened the Budget Session of the Parliament this year said 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"¹ Several prominent political leaders have also consistently voiced their support for the above idea at various forums. Some expert committees have also examined this particular issue in the past. In the year 1999, the Law Commission of India headed by Hon'ble Justice B.P. Jeevan Reddy in its One Hundred Seventieth Report on Reform of Electoral Laws recommended simultaneous elections to Lok Sabha and State Legislative Assemblies while

*Assistant Professors in Law, Vaish College of Law, Rohtak.

¹ . See Bibek Debroy and Kishore Desai, “ Analysis of Simultaneous Elections : The “ What” , “ Why” and “ How” : A Discussion Paper” . Available at: <http://niti.gov.in/writereaddata/files/> (Last visited on March 12, 2018).

examining measures for improving the electoral system in the country. The Department related Parliamentary Standing committee on Personnel, Public grievances, Law and justice in its 79th report (submitted to the Parliament in December 2015) had also examined the feasibility of holding simultaneous elections to Lok Sabha and State Legislative Assemblies.

The Present Paper makes an earnest endeavor to elicit the scope and meaning of the term “ simultaneous elections” , and also looks into the pros and cons of holding the simultaneous elections in India.

1. Scope and Meaning of the Term “ Simultaneous Elections”

Article 324 of the Constitution mandates the Election Commission of India (ECI) to supervise, direct and control elections to the offices of President, Vice President, both houses of Parliament (Lok Sabha & Rajya Sabha), State Legislative Assemblies and State Legislative Councils. Similarly, 73rd and 74th amendments to the Constitution in 1992 facilitated creation of State Election Commissions (SECs) as authorities mandated to perform the above duties for constituting the third tier of Government in both rural and urban areas (Panchayati raj institutions, municipal bodies etc.). There are 31 SECs in the country. Ideally simultaneous elections should imply that elections to all the three tiers of constitutional institutions take place in a synchronized and co-ordinated 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.

However, the third tier institution is primarily a State subject as per the Constitution. Further, considering the facts 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 would be impractical and possibly impossible to synchronize and align election schedules to

the third tier with that of Lok Sabha and State Assembly elections. Accordingly, for the purposes of this paper, the term “ Simultaneous Elections” is defined as structuring the Indian election cycle in a manner that elections to Lok Sabha and State Assemblies are synchronized together. In such a scenario, a 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. To clarify further, simultaneous elections do not mean that voting across the country for Lok Sabha and State Assemblies needs to happen on a single day. 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.²

2. Simultaneous Elections in India: Historical Perspective

Simultaneous elections to all state Assemblies and the Lok Sabha have happened in the first four General Elections that took place in India between 1952 and 1967.³ However, due to the premature dissolution of some Legislative Assemblies in 1968 and 1969, the cycle got disrupted for the first time. In 1970, Fourth Lok Sabha was itself dissolved prematurely and fresh elections held in 1971. It however, is not so simplistic. In 1951-52 elections were held simultaneously throughout the country, these included states that ceased to exist after new states were formed in 1956-57. Travancore Cochin and Patiala and East Punjab States Union (PEPSU) were among these states which merged into newly formed Kerala and Punjab. As legislatively mandated, the next polls in these states should have been held in 1957. But in both states mid-term polls were held in 1954 because governments were reduced to a minority and no alternative could be cobbled up. Even after a mid-term election, the government in Travancore-Cochin was not stable and collapsed in 1956 after a split in the

²
. Ibid.

³ . Alok Prasanna Kumar, “ Simultaneous elections in India: Hard to see tangible benefits, but list of drawbacks continues to grow” . Available at: <http://www.firstpost.com/politics/simultaneous-elections-in-india-hard-to-see-any-benefits-but-list-of-drawbacks-continues-to-grow-4332007.html>. (Last Visited on March 12, 2018).

Congress. Avoiding dissolution of the assemblies would have triggered horse-trading. But the Congress party was not delighted that communists came to power in 1957 and after engineering desertions, imposed President’ s Rule in 1959 leading to elections in 1960. The third general elections were held in 1962 but a year earlier in 1961, assembly polls had to be held in Orissa because the Congress party failed to work in tandem with its coalition partner, ironically named Gantantra Parishad. But what were straws in the wind became a major trend post 1967. Some states like Madhya Pradesh could avoid dissolution of the assembly because the chief minister was routinely changed to accommodate different factions. But this was not the case elsewhere: in Bihar polls were held in 1969 and 1972; in 1968 and 1972 in Haryana; in West Bengal four polls were held in 1967, 1969, 1971 and 1972 and finally in Orissa an early poll was called in 1971. The snap parliamentary poll called by Gandhi in 1971 too ensured India transforming into a country of serial elections.⁴

3. Arguments in the Favor of Simultaneous Elections

The arguments for holding simultaneous elections are somewhat self- evident. Today, not just parliamentary and assembly but panchayat and municipal elections also take place according to their own cycles. The latter are fought with increasing earnestness as their results are read carefully for wider portends. Thus, the nation seems to be in a continuous election mode with the need to win the immediate elections taking precedence over the minimum perspective and

⁴ . Nilanjan Mukhopadhyay, “ Past Continuous: History Shows Simultaneous Polls for Parliament and States Is a Bad Idea” . Available at: <https://thewire.in/government/past-continuous-simultaneous-parliament-stateelections>. (Last Visited on March 12, 2018).

time needed to see through development policies. Holding elections simultaneously will reduce costs, both administrative and that of campaigning.¹

Simultaneous elections can also be a means to curb corruption and build a more conducive socio-economic ecosystem. Elections have become a conduit for black money and corruption. Frequent electoral cycles disrupt normal public life by impacting the delivery of essential services. They also provide opportunities to unscrupulous elements to create tears in the social fabric of the society. Then there is the administrative machinery to be taken into account and the expenses incurred. Frequent elections pose a huge burden on the resources- both manpower and financial. Security personnel and government officials are effectively put on election duty for many months in a year. A case in point is the recurring engagement of teachers for election duty, as a result of which students suffer.²

4. Arguments Against the Holding of Simultaneous Elections

In the Westminster form of parliamentary democracy, the government lasts only so long as it enjoys a majority in Parliament (Assembly or Lok Sabha). Unlike the American system where the legislature (Senate and House of Representatives) does not decide who the Head of Government is, in India, it is the legislature that decides. It is the way that the party system is intended to work in India (as it does in the United Kingdom, Australia, and other countries that follow a similar system), and the result is therefore that when the government of the day loses

¹ . Subir Roy, “ Why is BJP singing simultaneous polls song?” . Available at: <http://www.tribuneindia.com/news/comment/why-is-bjp-singing-simultaneous-polls-song/553870.html> (Last Visited on March 12, 2018).

² . Bhupender Yadav, “ Should India have Simultaneous Elections?” . Available at: <http://www.thehindu.com/opinion/op-ed/should-india-have-simultaneous-elections/article22625444.ece>. (Last Visited on March 12, 2018).

the majority in the legislature, it is forced to seek the mandate of the people once again. Unless the Constitution is fundamentally and irretrievably altered to replace this form of parliamentary democracy with a purely presidential one, along the lines of the United States model, simultaneous elections are simply not possible. A government that loses majority in the legislature would be unable to govern at all until the next election. Simultaneous elections are only possible if the link between majority in legislature and government is broken as in the American model.

Parliamentary Form of Democracy is the Basic Feature of the Indian Constitution

Assume that the Government drafts such a constitutional amendment, radically changing the Constitution, would the change survive the Supreme Court's scrutiny? Probably not. As the Supreme Court has held in its 13-judge bench decision in *Kesavananda Bharati vs State of Kerala*³, a parliamentary form of democracy is a basic feature of the Constitution of India and cannot be completely removed by amendment. Even assuming that they did not mean to rule out a presidential form of government entirely, it would still require a 15-judge bench of the Supreme Court to definitively rule on the matter.⁴

5. Conclusion

Holding the simultaneous elections is certainly desirable but may not be feasible mainly for want of political consensus. The peculiarities of Parliamentary form of democracy (declared and elevated as basic structure of the Indian Constitution by the Hon' ble Supreme Court) as discussed above also create stumble-block in the practical implementation of this idea of simultaneous elections. It is good that Prime Minister Narendra Modi is talking about

³ . AIR 1973 SC 1461

⁴ . Supra Note 3.

consensus. His reasons for advocating simultaneous elections are exorbitant expenditure and repeated dislocation of administrative machinery on election throughout the year. Moreover, elections have unfortunately become the root cause of corruption. When we are in constant election mode, we are also in permanent corruption mode. As regards logistical and administrative feasibility, simultaneous elections would be most convenient for the Election Commission. Since voters, polling personnel, and polling booths are all the same, it does not matter if the voters are casting their votes for one election or two or three.⁵

⁵ . SY Quraishi (Former Chief Election Commissioner of India), “ Should India have Simultaneous Elections?” . Available at: <http://www.thehindu.com/opinion/op-ed/should-india-have-simultaneous-elections/article22625444.ece>. (Last Visited on March 12, 2018).