Simultaneous Elections in India

This editorial is based on the issue of **Holding Simultaneous Elections to the Lok Sabha and the State Assemblies** as it is being debated in the country and most recently (April 2018) the **Law Commission** has invited public opinion on it's draft working paper on 'Simultaneous Elections: Constitutional and Legal Perspectives'.

Context

- Indian polity is perennially in an election mode. On an average 5-7 Assembly elections happen every year. Such frequent electoral cycles end up negatively impacting administrative and developmental activities in the poll-bound states and impacts the larger governance process in general. There is a serious need to evolve a mechanism to end this frequent cycle of elections.
- **'Simultaneous Elections'** is defined as structuring the Indian election cycle in a manner such that elections to Lok Sabha and State Assemblies are synchronized together.
- Elections to **Local bodies**, which is a **state subject,** are **not included in it.**
- "With some election or the other throughout the year, normal activities of the government come to a standstill because of the code of conduct…If political parties collectively think, we can change it," former President Pranab Mukherjee had said.
- The **Election Commission** in its annual report had suggested as early as in 1983 that a system should be evolved so that elections to Lok Sabha and State Legislative Assemblies could be **held simultaneously.**
- The Justice B.P. Jeevan Reddy-headed **Law Commission said in its 170th Report** of May 1999 that "we must go back to the situation where the elections to Lok Sabha and all the Legislative Assemblies are held at once"
- The **79th Report of the Parliamentary Standing Committee (2015)** also favoured the idea which was reiterated by a **NITI Aayog** paper in 2017.

The Cycle of Simultaneous Elections in India

- First General Elections to the House of People (Lok Sabha) and all State Legislative Assemblies were held simultaneously in 1951-52.
- That practice continued in **three subsequent General Elections held in the years 1957, 1962 and 1967.** However, due to the premature dissolution of some Legislative Assemblies in 1968 and 1969, the cycle got disrupted.
- In 1970, the Lok Sabha was itself dissolved prematurely and fresh elections were held in 1971. Thus, the First, Second and Third Lok Sabha enjoyed full five-year terms.
- The term of the Fifth Lok Sabha was extended till 1977 under Article 352. After that, the Eighth, Tenth, Fourteenth and Fifteenth Lok Sabha could complete their full five-year terms. The Sixth, Seventh, Ninth, Eleventh, Twelfth and Thirteenth Lok Sabha was dissolved prematurely.
- As a result of premature dissolutions and extension of terms of both the Lok Sabha and various State Legislative Assemblies, for the last forty-eight years, there have been separate elections to Lok Sabha and States Legislative Assemblies, and the cycle of simultaneous elections has been disturbed.

Restoration of Simultaneous Elections: The Positives

- Firstly, it would **reduce the massive expenditure** incurred for the conduct of separate elections every year.
    - Election Commission of India had pegged the expenditure for simultaneous elections at 4,500 crores (2014 Lok Sabha cost 3,870 crores to the exchequer and Bihar elections 2015 alone cost the government 300 crores).
- Simultaneous elections to the Lok Sabha and State Assemblies also help ruling parties **focus on governance** instead of being constantly in election mode.
- Elections lead to the imposition of **Model Code of Conduct** in the poll-bound State/area.
    - The imposition of the Code puts on hold for many months at a stretch, the entire development programmes and activities of the Union and State governments. Most of the time, in the poll-bound State it even affects normal day-to-day governance. This often leads to policy paralysis and governance deficit.
- Frequent elections lead to disruption of normal public life and impact the functioning of essential services. The holding of political rallies disrupts road traffic and also leads to noise pollution. **Such disruptions would be limited** to a certain pre-determined period of time if elections are held simultaneously.
- Elections are also **polarizing events** which perpetuate caste, religion and communal issues because candidates are often **'forced to talk politically'** for the sake of electoral benefits.
- Lastly, simultaneous elections **would free crucial manpower** which is often deployed for prolonged periods on election duties.
    - For example, the 2014 Lok Sabha elections (held with four Assembly elections) was spread over nine phases and 1,077 in -situ companies and 1,349 mobile companies of the Central Armed Police Force (CAPF) were deployed.

Simultaneous Elections: Challenges

- **Operational feasibility:** Simultaneous elections are almost nearly impossible to implement, as it would mean arbitrarily curtailing or extending the term of existing legislatures to bring their election dates in line with the due date for the rest of the country. Such a measure would undermine democracy and federalism.
- **The Law Commission in its recent report has suggested an alternative:** Categorise States based on proximity to the next general election, and have one round of State Assembly polls with the next Lok Sabha election, and another round for the remaining States 30 months later. But this is still no guarantee that mid-term polls would not be needed.
- **The deployment of security forces** and officials in 700,000 polling stations located in widely varying geographic and climatic conditions, all at the same time is going to be extremely difficult. It is precisely these problems that begun to cause elections to be held in multiple phases and on different dates even in the same state.
- **Against Democracy:** Critics also say that forcing simultaneous elections is against democracy because trying to force an artificial cycle of elections and restricting the choice for voters is not correct.
- **Impact on Voter Behaviour:** Some political parties argue that it may influence voter behaviour in a manner that voters would end up voting on national issues even for State elections and this may lead to larger national parties winning both State and Lok Sabha elections thereby marginalizing regional parties.
- **Election Issues:** State and national elections are often fought on different sets of issues — and in simultaneous elections, voters may end up privileging one set over the other in ways they might not have done otherwise.
- **Diminished Accountability:** Having to face the electorate more than once every 5 years enhances the accountability of politicians and keeps them on their toes. Finally, a lot of jobs are also created during the elections, which boosts the economy at the grassroots levels.

Constitutional and Statutory Provisions Relevant to the Issue

- **Article 83(2) of the Constitution** provides for a normal term of five years for the House of People (Lok Sabha).

- **Article 172 (1)** provides for a similar tenure for the State Legislative Assembly from the date of its first sitting. Tenure of the House cannot be extended beyond five years except in emergency situations.
- Implementing this measure will require multiple constitutional amendments, amendments to the Representation of People's Act, and other such laws. It will also require a great deal of political support and understanding.
- The Election Commission has suggested that the term of Lok Sabha could commence and end on predetermined dates, and to avoid premature dissolution, no-confidence motions should be moved simultaneously with a confidence motion for the individual hoping to be the next PM.
- If the House is still dissolved, the President can run the government for the rest of the term — or, if that period is long, fresh elections can be held for a House that would last only for the remaining length of time. Assemblies can, as a one-time measure, be extended or curtailed to align their elections with the Lok Sabha cycle.
- **Recent Law Commission recommendations** also feature some of these suggestions.

Recommendations of the Law Commission Working Paper (2018)

- Simultaneous elections may be restored through an amendment of the Constitution, Representation of the People Act, 1951 and Rules of Procedure of Lok Sabha and State Legislative Assemblies. A definition may be added to section 2 of the 1951 Act.
- The no-confidence motion may be replaced with a constructive vote of no-confidence through amendments in Lok Sabha and State Assemblies rules of business.
- Anti-Defection law may be suitably diluted to prevent stalemate in case of a hung Assembly or Parliament
- The statutory limit of six months for issuance of notification of general elections may be extended for securing flexibility as a one-time measure.

Experience of Other Countries

- In **South Africa**, elections to national as well as provincial legislatures are held simultaneously for five years and municipal elections are held two years later.
- In **Sweden** election to the national legislature (Riksdag) and provincial legislature/county council (Landsting) and local bodies/municipal Assemblies (Kommunfullmaktige) are held on a fixed date i.e. second Sunday in September for four years. But most other large democracies do not have any such system of simultaneous elections.
- In **Britain,** the Fixed-term Parliaments Act, 2011 was passed to provide a sense of stability and predictability to the British Parliament and its tenure. It provided that the first elections would be held on the 7th of May, 2015 and on the first Thursday of May every fifth year thereafter.
- **Article 67 of Basic Law for the** Federal **Republic of Germany** proposes a constructive vote of non-confidence (electing a successor while dismissing the incumbent).
- In **India, the Law Commission in its report (1999)** had suggested a simultaneous motion of non-confidence in the incumbent government as well as the confidence in an alternative government by inserting Rule 198A in the Rules of Procedure and Conduct of Business in the Lok Sabha to eliminate the need for midterm election and ensure stability of government.

Conclusion

- **'One Nation One Poll'** is a good idea for Indian polity but its feasibility needs to be thoroughly examined by involving all the stakeholders in debate and discussion. Also, the desired goal of having only one election every five years cannot be achieved overnight in the prevailing circumstances. It has to be achieved in stages.
- Constitutional amendment(s) can provide for extending or curtailing the term of one or more Legislative Assemblies, say for/by six months or so, wherever it is necessary to achieve the said goal. But it will require unprecedented political will and support. The **latest Law Commission report should,** therefore, be considered a good place to **start the national debate on Simultaneous Elections.**

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