One Nation One Election: RSTV – The Big Picture

Anchor - Frank Rausan Pereira

Guests - S K Mendiratta, Former Advisor, Election Commission;

    Ashok Tandon, Senior Journalist;

    Prof. Sunil K Choudhary, Political Analyst;

    Satya Prakash, Legal Editor, The Tribune;

Larger Background:

- Chairing an all-party meeting on the eve of the first session of the new Lok Sabha, Prime Minister Narendra Modi recently invited heads of all parties to a meeting on June 19th, 2019 to discuss the "one nation, one election" idea and other important matters.
- Noting that there are many new faces in this Lok Sabha, PM Modi said the first session of the Lower House of Parliament should begin with "fresh zeal and new thinking".
- Addressing the media later, Parliamentary Affairs Minister Prahlad Joshi said the Prime Minister has requested all parties, especially the opposition, for their cooperation for the smooth functioning of both Houses of Parliament. Apart from "one nation, one election" the all party meeting has been called to deliberate on other matters like - celebrations of 75 years of India's Independence in 2022 and 150 years of Mahatma Gandhi's birth anniversary this year (2019).
- This edition of the big picture will analyse the 'one nation, one election' issue.

Need for Synchronizing the Elections:

- The idea of **"One Nation, One Election"** is a very good idea. In the larger public interest, it will be very useful. However, there may be certain constitutional impediments.
- For holding all elections on a particular day, the terms of the Lok Sabha and the state legislative assemblies should be synchronized in such a way that elections can be held within a given span of time. For this, constitutional amendments would be needed. Articles 83, 85, 172, 174, and 356 of the Constitution of India would need to be amended. Article 83 says that the term of the Lok Sabha, would be a period of 5 years from the date of its first sitting. Similarly, Article 172 says that the term of the legislative assemblies in the country will also be a period of 5 years from the date of its first sitting.
- Currently, all these dates vary. The current term of the Lok Sabha will go up to 2024. The elections to some state assemblies have also been recently held, whereas some were held last year (2018), and some were held during the previous year. Thus, important questions emerge. The most important being the manner in which one can synchronize all these dates, such that they all end during a particular given span of time. Thus, for the implementation of simultaneous elections in the country, the terms of some legislative assemblies should be extended, or in some cases, they must be curtailed. Currently, the elections in Maharashtra, Jharkhand and Haryana are due in the next 3-4 months or so. Similarly, the elections to the states of Rajasthan have been held recently, thus, if simultaneous elections are to be held, the terms of these assemblies would have to be extended. Thus, all these extensions and curtailments would need some amendments to the Constitution of India.

Constitutional and legal challenges: Perspectives and Insights

- **Proposing the idea of a Presidential form of Government:**

- The core problem area which is coming in the way of implementing this is the Parliamentary form of Government which India practices.
- In this, the Government is accountable to the lower house, be it at the level of the State Assemblies or in the Lok Sabha.
- If the Government is accountable to the lower house, given the nature of the Parliamentary form of Government, the Government can fall (theoretically) before it completes its term. And the moment the Government falls, there has to be fresh elections. Thus, the core obstruction in the way of implementing simultaneous elections in the country is a Parliamentary form of Government. Thus, one solution (which would emerge to be a radical solution) is to go for a Presidential form of Government.

(b) Looking at the American Perspective:

- In America, the election day is fixed. After every 4 years, the first Tuesday, falling after the first Monday, in the month of November, is the election date. This applies to the office of the President and Vice President of the United States of America.
- Similarly, the days for holding elections for the House of Representatives, and the Senate are also fixed. This is done between the 2nd and the 8th of November. This has been fixed statutorily, i.e. it has been fixed by a law.
- In India, such a concept is not possible because of the Parliamentary form of government. Thus, one solution that can be put forward is India adopting a Presidential form of Government.

(c) Implementing simultaneous elections within the existing system:

- One can also fix the term of the assembly and the Lok Sabha.
- This can be done by amending various provisions, particularly, Article 83 (which talks about the tenure of the Lok Sabha) and Article 172 (which talks about the tenure of the Vidhan Sabha). Also, Article 356 has to be amended because that authorizes the Central Government to impose President's rule for the failure of constitutional machinery in a State. Thus, once we have a fixed tenure, even if the Government is dismissed, the Government goes, but the assembly remains. Thus, this part has to be taken care of.
- If the existing Parliamentary form of Government continues, the Government is bound to fall, and at times it can fall because of quorum issues. Such issues would need to be tackled and they can be done even within the present framework.

Indian Elections: Past and Present

- Our Parliamentary system is very difficult, different and complex vis-à-vis the American system. Also, the idea of "One Nation, One Election" is not new. We have been holding the elections of the assemblies and the Lok Sabha from 1951-52 till 1967. There are no disputes in terms of the efficacy of "One Nation, One Election". The problem that needs to be addressed is about its implementation, and how we can enforce it all across India. Also, it is important that we seek a consensus because the Parliamentary system follows the system of traditions and conventions, and at this current juncture, it is difficult to impose a particular idea on all the political parties.
- Synchronizing elections from the Lok Sabha, to State Assemblies and even local institutions, is possible, but what is important is how this synchronization can be done based on existing traditions and conventions. The most important parameter with which things can be synchronized to is the

fixed tenure of the Lok Sabha. So, if we keep this parameter as fixed (we have the next Lok Sabha elections due in 2024), the duration of the other assemblies can either be extended or deducted.

- Also, the idea of simultaneous elections in terms of checking the exchequers money in terms of poll expenses, party expenses, etc. throws up some important facts. As a matter of fact, in 1951-52, when the first elections to the Lok Sabha took place, the number of political parties and the number of candidates and even the poll expenses, was a very minimal figure.
- For instance, when we compare the poll expenses with the indexing of 2011, the poll expenses were only 11 crores (this was declared and displayed by political parties in 1951-52). Also, the number of political parties that contested the elections in 1951-52 were only 53, and there were around 1874 candidates in total (a figure less than 2000). When we compare this with the figures of 2019, we find that the number of political parties has risen from 53 to 610.
- The number of candidates have also increased from 1874 to around say 9-10 thousand. Also, the poll expenses which have been declared by the political parties comes up to 60,000 crore rupees. Thus, if we just take the trajectory of these important dimensions, one believes that the idea in going for "One Nation, One Election", would be in the interest of the nation. If this is implemented, then India can move towards a vibrant and new democratic system.

Is Simultaneous Elections feasible on the ground?

- When the idea of simultaneous elections was mooted by the Prime Minister in the year 2018, the Law Commission of India examined the constitutional aspects as well as the legal aspects. The Law Commission then gave its interim recommendations. These interim recommendations are also in the public domain.
- These recommendations touched upon two things: a) If simultaneous elections are to be brought in, then the Constitution of India would need to be amended. The Representation of People Act, 1951 would need to be amended. Also, Parliamentary procedures would need to be amended. The Law Commission of India also observed that simultaneous elections would save public money. It would also reduce the burden on the administrative setup and security forces. It would ensure timely implementation of the Government policies, and ensure that the administrative machinery is engaged in developmental activities rather than electioneering. On this score, obviously, opinions and views are not divided. Everybody agrees with this.
- However, some options were recommended by the Law Commission of India. Also, all these options are within the framework of the existing Parliamentary system.
- It is important to note that when we started elections in 1951-52, simultaneous elections were held. But when a State assembly got dissolved in between, it posed to be an obstruction towards conducting simultaneous elections.
- The other way forward is if we alter the basic structure of the Constitution of India. In NDA- I, a committee was formed under the leadership of former Speaker Mr. Sangma, and there was a hue and cry that the country cannot afford to alter the basic structure of the Indian Constitution, and go for a Presidential form of Government.
- It is important to note that even if we go with the Presidential form of Government, it would also affect the federal structure of the country. So, what happens to the State Assemblies?
- Thus, synchronizing the elections of the Lok Sabha and the Rajya Sabha within the existing framework of the Constitution of India with a few amendments is something which can be done through consensus by all political parties.
- The Prime Minister's recent call towards "One Nation, One Election", is to evolve a consensus first among the political parties, then among the intellectuals, and also the media. Now, it is time for a national debate. The very first initiative that the Prime Minister has taken up in the new Lok Sabha is to initiate a debate, amongst the lawmakers of our country. The Prime Minister mentioned that political parties that even have a single member elected to the Lok Sabha would be involved in this consultative process. This is a positive sign, and India has come a long way in strengthening parliamentary democracy in the last 70 years. Also, we are a mature democracy now.
- Thus taking the consensus of all political parties, and other stakeholders, including taking the

judiciary into confidence would be the right way forward.

Logistical Challenges as far as the Election Commission is concerned:

- Logistical problems would definitely be there. First and foremost, we are using one voting machine at every polling station for taking a poll. If we hold simultaneous elections, the requirements for the EVM's and the VVPAT's, will double. This is because for every polling station, one would have to provide two sets.
- There would also be some additional requirement of polling staff as well.
- There would also naturally be difficulty in transporting all these materials to the polling stations. Thus, the requirement of transport, polling personnel, and the requirement of central police forces as well would need to be augmented.
- Also, even today in most of the states, a problem of storing the EVM's is witnessed.
- After the elections, states face a problem that concerns storing the EVM's. Thus, many states have taken godowns on rent. With simultaneous elections, the questions of storing double the EVM's and double the VVPAT's would emerge. Thus, logistical problems would emerge with simultaneous elections which would also demand the allocation of sufficient money.
- So, there would be a tremendous one-time expenditure, but on the other side, there would be a tremendous saving on the other counts. Also, the country will not always be in an election mode. The Government would be doing constructive, administrative work. Currently in our country, every 5-6 months at some region of our country, the Model Code of Conduct comes into operation. In those regions, during the period of the enforcement of the Model Code of Conduct, all the developmental activities normally suffer. Having said this, it is not going to be very difficult for the Election Commission if both the elections are synchronized.

Does constant electioneering hinder the work of Governance?

- In India, we have 31 assemblies which go to poll over a 5 year period.
- The elections are also taking place in our country at least twice or thrice in a year across States.
- This does affect the notion of governance and good governance.
- When we accept that we have to hold elections simultaneously once in 5 years, then this would not be a festival, but it would be a grand festival, or a "Maha Utsav". The entire administrative machinery of the Election Commission of India, the paramilitary forces, civilians, administrative officials, besides the political parties and candidates would have to be geared up for this mammoth exercise after a gap of 5 years. Besides the coherence in the electoral process, this would bring about governance, and the voters can judge the policies and programmes of the governments- both at the State level and at the Central level.
- It would be difficult, but certainly not impossible for the Election Commission of India to hold this exercise once in 5 years. In the recent Lok Sabha elections of 2019, in terms of the number of manning officials, around 2,60,000/- paramilitary forces were employed by the Government of India.
- Besides this, 10,00,000/- police officials were pressed into service all across States.
- There were also more than 10,00,000/- polling booths across the country. Thus, if each polling station is being manned by around 4 people, along with 1 BLO (Booth Level Officer), making it a total of 5 people, we arrive at a figure of around 1 crore people involved in the process of conducting elections (paramilitary forces, civilians, administrative officials, and others being engaged). So, if you are holding the elections for all the assemblies and the Lok Sabha at one go (once in 5 years), one can save and optimize costs.

Concluding Remarks:

- The final solution may lie in either a) amending the Constitution and going with a Presidential form of Government, or b) fixing the tenure of the assemblies and the Lok Sabha.
- It is very important to have a political consensus on this issue. The reason being that a Constitutional

Amendment would have to be made. We have three ways wherein one can amend the Constitution of India.

- The nature of this issue would demand that apart from the 2/3rds majority in both the houses of Parliament, it would require the ratification of at least half of the state legislatures. Thus, it is important that all the political parties are on the same page on this particular issue.
- It is important to note that in one of the recommendations made by the Law Commission of India, before the recently concluded general elections, was that the assemblies, who were to go in for election about 6 months in advance, or 6 months later, would actually be combined together.
- An important question that arises here is whether or not parties such as the ruling BJP in certain states, like U.P. (which the BJP won with a thumping majority), would it like to dissolve the state assembly of U.P. just for the sake of simultaneous elections?
- One doesn't get the impression that the political parties are in a mood to compromise, because winning an election is so difficult these days. There should be a greater consensus within the country on whether the nation should have a "One Nation, One Election" system. Only if the consensus is yes, should one take this forward.