

Issue Brief

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Simultaneous Elections: Striking at the Roots of Parliamentary Democracy

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- Corruption and criminalisation in the political process
- Empowerment of the electorate through greater dissemination of information relating to the candidates and the parties, for a better and informed choice
- Need for greater accountability of Political Parties
- Need for inner-party democracy and transparency in party-functioning

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Cover Photo: The Emblem of India comes in handy for authorities to erect a shamiyana at Paritala Zilla Parishad School, which was a polling station for the Zilla Parishad Territorial Constituency and Mandal Parishad Territorial Constituency elections in Krishna district, Vijayawada, Andhra Pradesh, on April 6, 2014. File Photo: Ch. Vijaya Bhaskar. © The Hindu

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ABSTRACT

It has become an article of faith with Prime Minister Narendra Modi that elections must be held concurrently to the Lok Sabha and the State assemblies – ostensibly to achieve the twin-objectives of minimising the expenses involved and eliminating the disruption caused to governance and development goals by frequent elections. The idea of a single common election originated in the Bharatiya Janata Party’s 2014 election manifesto and has since been taken up vigorously on multiple forums, among them the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, the Election Commission of India, the Niti Ayog, the Law Commission and at internal meetings of the BJP. As Jagdeep Chhokar, a founding member of the Association for Democratic Reforms (ADR), points out in this Issue Brief, although Modi has disavowed a direct role in pushing the idea, his imprint is clearly visible in the sequence of events aimed at kick-starting the exercise as well as in the urgency shown by the various arms of the government, not to mention an autonomous institution like the Election Commission: “Modi himself nudged and pushed the idea at every stage and on every institution”. As an example of the pressure that institutions have been facing on supporting and advocating simultaneous polls, the author cites the divergence in the views of former President, Pranab Mukherjee, held while in office and after retirement. As President, Mukherjee endorsed the holding of combined polls but on retirement rejected the same idea as undemocratic and against the interests of the States.

In this Issue Brief, Chhokar questions the submissions made in favour of combining Union and State elections and holds the move to be seriously flawed – both conceptually and in terms of its practicality. The exercise will require extensive amendments to the Constitution which will upset the balance of power between the States and the Union in the latter’s favour. This encroachment into federal rights has the potential to alter the basic structure of the Constitution, which has been held to be inviolable by the Supreme Court.

In practical terms, it will mean artificially cutting short or extending the terms of elected assemblies which strikes at the root of Parliamentary democracy. The author asks whether the conduct of elections, intrinsic to the survival and life of a democracy can be sacrificed at the altar of ‘development’ or administrative compulsions.

Chhokar also dismisses the argument that the Model Code of Conduct enforced in the run up to elections is an interference in governance by pointing out that the code imposed no restrictions that affect governance. On the spiralling cost of holding elections, a reason cited repeatedly by the proponents of synchronised polls, Chhokar asks: “Should the nation be looking to create the ‘most effective’ democracy or the ‘least expensive’ democracy?”

I. Introduction

The idea of holding simultaneous elections to State Assemblies and the Lok Sabha has been under active discussion for some time now and lately been taken up with visible urgency. The Bharatiya Janata Party (BJP) which is the prime mover of the idea appears to have held its first formal discussion on it on March 19, 2016. A news report¹ in *The Hindu*, dated March 31, 2016, said:

“At a closed door meeting of the BJP’s national office bearers on March 19 in New Delhi, just before the party’s national executive meet was kicked off, Mr. Modi spoke in laudatory terms for simultaneous polls for Lok Sabha and State Assemblies.”

However, the 79th report² of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, stated in its introduction that it had identified the subject, ‘Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies’ for ‘examination and report’ on January 21, 2015. The committee, which submitted its final report to the Rajya Sabha on December 17, 2015, explained the rationale for choosing its subject thus:

“The need for simultaneous election to Lok Sabha and Legislative Assemblies has been felt by the *electorate* as elections have become big budget affair and expensive and in most of the cases expenditures by the candidates are exceeding the ceiling fixed by the ECI” (Italics added).

How the Committee came to the conclusion that simultaneous polling to the Lok Sabha and Legislative Assemblies was the felt-need of the electorate is not clear from the report.

Going further back, the genesis perhaps lies in the manifesto³ of the Bharatiya Janata Party (BJP) for the 2014 Lok Sabha election issued on March 26, 2014. The manifesto said:

¹ Hebbar, N. 2016. “[PM for simultaneous LS, Assembly elections](http://www.thehindu.com/news/national/pm-for-simultaneous-ls-assembly-elections/article8414829.ece)”, *The Hindu*, March 31.

[<http://www.thehindu.com/news/national/pm-for-simultaneous-ls-assembly-elections/article8414829.ece>].

² Parliament of India, Rajya Sabha. “[Seventy-Ninth Report: Feasibility of Holding Simultaneous Elections to the House of People \(Lok Sabha\) and State Legislative Assemblies](http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20Personnel,%20PublicGrievances,%20Law%20and%20Justice/79.pdf)”.

[<http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20Personnel,%20PublicGrievances,%20Law%20and%20Justice/79.pdf>].

³ Bharatiya Janata Party. Election [Manifesto 2014](http://www.bjp.org/images/pdf_2014/full_manifesto_english_07.04.2014.pdf).

[http://www.bjp.org/images/pdf_2014/full_manifesto_english_07.04.2014.pdf].

“The BJP will seek, through consultation with other parties, to evolve a method of holding Assembly and Lok Sabha elections simultaneously. Apart from reducing election expenses for both political parties and Government, this will ensure certain stability for State Governments. We will also look at revising expenditure limits realistically” (Italics added).

The Parliamentary Committee submitted its report on December 17, 2015, but some curious developments took place in the period between January 21, 2015, when the committee identified the issue, and December 17, 2015 when the report was submitted. *The Indian Express* reported that the Principal Private Secretary to the Prime Minister made a phone call to the then Chief Election Commissioner H.S. Brahma on January 28, 2015.

To quote:

“A note dated January 28, 2015, signed by then CEC (Chief Election Commissioner) H S Brahma, states, ‘Shri Nripendra Misra, Pr (Principal) Secretary to PM, informed me that there is a strong feeling of having simultaneous elections for both Parliament and the state assemblies. He mentioned that the repetitive state elections of all the 36 states and UTs causes lots of disruption, both in terms of implementation of various schemes as well as socio-economic scenario. There are states, for example erstwhile Andhra Pradesh, where between 2008-2013, there were 60 bye-elections held on flimsy grounds, where same candidate resigns and is re-elected after few months. This causes loss of public confidence besides tremendous financial cost to the state. After all, elections cost money.’”⁴

While a top official of the Prime Minister’s Office (PMO) calling an independent constitutional authority may not be illegal it is certainly unusual and curious. The propriety of such an action has also been questioned.⁵

⁴ Chopra, R. 2016. “[PMO dialed Election Commission, pushed for joint Lok Sabha, assembly polls: RTI](http://indianexpress.com/article/india/india-news-india/pmo-called-up-election-commission-to-push-for-joint-lok-sabha-assembly-polls-2933705/)”, *The Indian Express*, July 25. [http://indianexpress.com/article/india/india-news-india/pmo-called-up-election-commission-to-push-for-joint-lok-sabha-assembly-polls-2933705/].

⁵ Chhokar, J.S. 2016. “[PMO's interference in the workings of EC questions state of propriety in India](http://www.firstpost.com/india/pmos-interference-in-the-workings-of-ec-questions-state-of-propriety-in-india-2976736.html)”, *Firstpost*, August 25. [http://www.firstpost.com/india/pmos-interference-in-the-workings-of-ec-questions-state-of-propriety-in-india-2976736.html].

II. The Prime Minister's Imprint

Publicly available information indicates that five days prior to the first meeting of the Parliamentary Standing Committee on March 10, 2015, the committee received inputs from the Election Commission of India (ECI). As we have seen, the ECI received a recommendation for combined polls from the PMO more than a month prior to this. Following this, on March 21, 2015, the Parliamentary Committee issued its press communique seeking “suggestions from various political parties/organisations/individuals/experts.”

The Law Ministry sent the Committee's report to the ECI for the latter's comments on February 3, 2016, and not getting any response, sent a reminder on March 2, 2016. The ECI finally responded on May 5, 2016, attaching a copy of its letter of March 5, 2015 that it had sent to the Parliamentary Committee.

Subsequently, the then President, Pranab Mukherjee, in his Republic Day eve address to the nation on January 25, 2017⁶, said:

“As our Republic enters her sixty-eighth year, we must acknowledge that our systems are not perfect. The imperfections have to be recognized and rectified. The settled complacencies have to be questioned. The edifice of trust has to be strengthened. The time is also ripe for a constructive debate on electoral reforms and a return to the practice of the early decades after independence when elections to Lok Sabha and state assemblies were held simultaneously. It is for the Election Commission to take this exercise forward in consultation with political parties.”

Sometime in April 2017, NITI Aayog came out with a discussion paper⁷. *The Indian Express* reported⁸ that

“It [NITI Aayog] has made the Election Commission the nodal agency to look into the suggestion and recommended setting up of a working group of stakeholders for deciding a road-map for synchronised elections. A report in this regard needs to be finalised within six months and final blue-print will be ready by next March, as per draft three-year action agenda for 2017-18 to 2019-20. The draft report was circulated among the Governing

⁶ *NDTV*. 2017. “[President Pranab Mukherjee's Speech On Eve Of Republic Day: Full Text](https://www.ndtv.com/india-news/president-pranab-mukherjees-speech-on-eve-of-republic-day-full-text-1652726)”, January 25. [https://www.ndtv.com/india-news/president-pranab-mukherjees-speech-on-eve-of-republic-day-full-text-1652726].

⁷ *Debroy, B and Desai, K*. “[Analysis of Simultaneous Elections: the “What”, “Why”and “How”- A Discussion Paper](http://niti.gov.in/writereaddata/files/document_publication/Note%20on%20Simultaneous%20Elections.pdf)”.

⁸ *PTI*. 2017. “[Niti Aayog suggests simultaneous Lok Sabha, assembly polls from 2024](http://indianexpress.com/article/india/niti-aayog-suggests-simultaneous-lok-sabha-assembly-polls-from-2024-4633991/)”, *The Indian Express*, April 30. [http://indianexpress.com/article/india/niti-aayog-suggests-simultaneous-lok-sabha-assembly-polls-from-2024-4633991/].

Council members (consisting of chief ministers of all states and others) of the Niti Aayog on April 23.”

In his address to the Joint Sitting of two Houses of Parliament, on January 29, 2018⁹, President, Ram Nath Kovind, also referred to this issue, saying,

“Citizens alive to the state of governance in the country are concerned about the frequent elections in one part of the country or another, which adversely impact the economy and development. Frequent elections not only impose a huge burden on human resources but also impede the development process due to the promulgation of the model code of conduct. Therefore, a sustained debate is required on the subject of simultaneous elections and all political parties need to arrive at a consensus on this issue.”

That the BJP and Narendra Modi nudged and pushed the idea of a single combined election at every stage and on every institution is clear from the sequence of events starting with the release of the BJP manifesto on March 26, 2014.

Consider this:

- **March 26, 2014:** the BJP releases its manifesto where combined elections first promised.
- **January 21, 2015:** the subject ‘Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies’ is identified by the 79th report¹⁰ of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice.
- **January 28, 2015:** Principal Private Secretary to the Prime Minister makes a phone call to the then Chief Election Commissioner H.S. Brahma urging necessity of holding combined polls.
- **December 17, 2015:** The Parliamentary Committee submits its report on simultaneous polls.

⁹ Press Information Bureau. 2018. “[Address by the President of India, Shri Ram Nath Kovind, to the Joint Sitting of Two Houses of Parliament](http://pib.nic.in/newsite/PrintRelease.aspx?relid=175983)”, President's Secretariat, Government of India. January 29. [<http://pib.nic.in/newsite/PrintRelease.aspx?relid=175983>].

¹⁰ Parliament of India. 2015. [Seventy-Ninth Report](http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20Personnel,%20PublicGrievances,%20Law%20and%20Justice/79.pdf). Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, Rajya Sabha, December. [<http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20Personnel,%20PublicGrievances,%20Law%20and%20Justice/79.pdf>].

- **February 3, 2016:** The Union Law ministry sends the Committee's report to the ECI asking for its comments.
- **March 5, 2016:** The ECI in its response to the Law Ministry attaches a copy of its letter of March 5, 2015 that it had sent to the Parliamentary Committee.
- **March 19, 2016:** At a closed door meeting of the BJP's national office bearers, the Prime Minister lauds the idea of holding simultaneous polls for Lok Sabha and State Assemblies.
- **January 25, 2017:** Then President, Pranab Mukherjee, in his Republic Day eve address to the nation, recommends simultaneous polls and asks the ECI to take forward the idea. (Mukherjee resiled from this position after demitting office.)
- **April 2017:** NITI Aayog comes out with a discussion paper in which it makes the Election Commission the nodal agency to look into the suggestion and recommend setting up of a working group of stakeholders for deciding a road-map for synchronised elections. *The Indian Express* dated April 30, 2017, notes that as per a draft three-year action agenda for 2017-18 to 2019-20, a report in this regard needs to be finalised within six months and final blue-print made ready by March 2018.
- **April 23, 2017:** The draft report is circulated among the Governing Council members (consisting of Chief Ministers of all States and others) of the Niti Aayog.
- **January 28, 2018:** In his address to the Joint Sitting of two Houses of Parliament, President Kovind emphasises simultaneous polls as a citizens' issue and flags frequent elections as a hindrance to governance.

It has been Prime Minister Modi's stated position that it is not for him to implement the holding of simultaneous polls. In an interview to *Times Now*, which this Issue Brief quotes in a subsequent chapter, the Prime Minister mentioned simultaneous elections as one of the areas for electoral reforms, though holding that "the Prime Minister cannot take a decision on this, nor should he do that." However, despite this grandstanding, the imprint of the government and Prime Minister Modi is clearly visible on all actions taken so far in this regard.

III. Issues identified by NITI Aayog: A Critique

The BJP's manifesto for the 2014 Lok Sabha election where the idea originated, leading to the massive exercise currently underway, had said, "The BJP will seek, through consultation with other parties, to evolve a method of holding Assembly and Lok Sabha elections simultaneously." Given the rush of developments since then, it should be clear that the effort is aimed at securing a critical mass of public opinion in favour of the idea. The last comprehensive document which attempts to present the strongest possible case in favour of the idea is the Discussion Paper issued by the NITI Aayog in April 2017. It is worth noting that the document does not mention anywhere what prompted the NITI Aayog to undertake this study. The only indirect indication in the report is in para 1.6 of the report "... this note aims to holistically analyze the case for holding simultaneous elections in the country."

The NITI Aayog Discussion Paper is very forthright in saying, in para 6.1, that "Addressing the fundamental problem of frequent elections in the country is clearly a significant priority for the current Government." It is striking that "frequent elections" have been held to be a "fundamental problem." And solving this "fundamental problem" is "a significant priority for the current Government." There cannot be a clearer statement of the motivation underlying the preparation of the NITI Aayog Discussion Paper.

This Discussion Paper goes on to say that

"a serious need to evolve a mechanism to end this frequent election cycles has been expressed by various stakeholders since quite some time now. The idea of undertaking simultaneous elections is being seriously considered as a potential solution to the above problem."

The "various stakeholders" are not identified but what is reiterated is the argument that frequent elections are a serious problem for the country.

The BJP manifesto did not give any reason for seeking "to evolve a method of holding Assembly and Lok Sabha elections simultaneously." The NITI Aayog Discussion Paper classified the "key adverse impacts" of the existing electoral cycle, into four broad categories while the Parliamentary Committee report underscored only one reason which is "elections have become big budget affair and expensive and in most of the cases expenditures by the candidates are exceeding the ceiling fixed by the ECI."

In its final observation, the Parliamentary Committee report said, “in most of the cases expenditures by the candidates are exceeding the ceiling fixed by the ECI”. This is worth examining in some detail. An analysis of the election expenditure affidavits of 6,753 candidates in the 2009 Lok Sabha election¹¹ revealed that only four candidates said that they had spent more than the limit for their election expenditure limit. Thirty candidates said that they had spent between 90-100 per cent of the limit while 6,719 out of 6,753, or 99.99 per cent, of the candidates said that they had spent only 45-55 per cent of the limit.

Even so, the observation of the Parliamentary Committee is not wrong. It is true that most candidates actually exceed the ceiling on the election expenses¹² and go on to make false declarations in their election expenditure affidavits. To give an example: At a book release function on June 27, 2013, the late BJP leader, Gopinath Munde, was reported to have remarked that he had spent Rs.8 crores in the 2009 Lok Sabha election¹³ whereas he had declared in his election expenditure affidavit that he had spent only Rs.19.37 lakhs¹⁴.

When the ECI sent him a notice, Munde apparently responded¹⁵ that the figure of Rs.8 crores “was merely a ‘figurative expression’ to show how election campaigns have become expensive, and should not be taken literally.”

The NITI Aayog Discussion Paper divides the “key adverse impacts” of holding frequent and multiple elections into four broad categories:

- A.** Impact on development programs and governance due to imposition of Model Code of Conduct by the Election Commission;
- B.** Frequent elections lead to massive expenditures by Government and other stakeholders;
- C.** Engagement of security forces for significantly prolonged periods and
- D.** Other Issues.”

¹¹ **ADR. 2011.** “[Analysis of Election Expenses of candidates in Lok Sabha Elections 2009](http://adrindia.org/research-and-reports/lok-sabha/2009/candidate-expenses-lok-sabha-elections-2009)”, September 12. [http://adrindia.org/research-and-reports/lok-sabha/2009/candidate-expenses-lok-sabha-elections-2009].

¹² This ceiling is in fact not “fixed by the ECI” as the Parliamentary Committee Report states. The ECI only makes a recommendation. The decision of the actual ceiling to be fixed is taken by the government and the limit is also notified by the government. It is a sad fact that the accuracy of the statements made in a Parliamentary Committee report cannot be relied upon.

¹³ **PTI. 2013.** “[Income tax notice to Gopinath Munde on poll expenditure remark](https://timesofindia.indiatimes.com/india/Income-tax-notice-to-Gopinath-Munde-on-poll-expenditure-remark/articleshow/20892968.cms)”, *The Times of India*, July 3. [https://timesofindia.indiatimes.com/india/Income-tax-notice-to-Gopinath-Munde-on-poll-expenditure-remark/articleshow/20892968.cms].

¹⁴ **ADR. 2009.** “[Munde Gopinathrao Pandurang -Declaration of Election Expenses](http://myneta.info/ls2009/expense.php?candidate_id=3673)”. [http://myneta.info/ls2009/expense.php?candidate_id=3673]

¹⁵ **PTI. 2013.** “[BJP leader Gopinath Munde replies to Election Commission notice on election expenditure](http://www.dnaindia.com/india/report-bjp-leader-gopinath-munde-replies-to-election-commission-notice-on-election-expenditure-1869155)”, *DNA*, August 2. [http://www.dnaindia.com/india/report-bjp-leader-gopinath-munde-replies-to-election-commission-notice-on-election-expenditure-1869155].

According to NITI Aayog, “Together, these aspects demonstrate why it is imperative to evolve a solution that stops this cycle of elections every year and accordingly justify the urgent need to hold simultaneous elections in the country.” Given that the NITI Aayog gives them such importance, these four categories deserve closer examination.

Impact on development programmes and governance due to Model Code of Conduct

The Model Code of Conduct (MCC) is a document that was first adopted by the ECI with the agreement of *all* political parties in 1968 though its origins can be traced back to 1951, 1960, and 1966¹⁶. The primary purpose of the MCC¹⁷ is to provide a level-playing field to all contesting political parties and ensure that the ruling party does not get undue advantage because it happens to be in office at the time of the election. The major points of the MCC are quoted below:

- “1. Before using loud speakers during their poll campaigning, candidates and political parties must take permission or license from the local authorities. The candidates should inform the local police for conducting election rallies to enable the police authorities to make required security arrangements.
2. The contesting candidates and their campaigners must respect the home life of their rivals and should not disturb them by holding road shows or demonstrations in front of their houses.
3. The election campaign rallies and road shows must not hinder the road traffic.
4. The Code has asked the candidates to refrain from distributing liquor to voters. It is a widely known fact in India that during election campaigning, liquor would be distributed to the voters.
5. The election Code in force hinders the government or ruling party leaders from launching new welfare programmes like construction of roads, provision of drinking water facilities etc. or any ribbon-cutting ceremonies.
6. The Code instructs that the public spaces like meeting grounds, helipads, government guest houses and bungalows should be equally shared among the contesting candidates. These public spaces should not be monopolised by a few candidates.
7. On the polling day, the Code asks all party candidates to cooperate to the poll-duty officials at the voting booths for an orderly voting process. Candidate should not display their election symbols near and around the poll booths on the polling day. No one should enter the booths without valid pass from the Election Commission.

¹⁶ Jayanth, V. 2006. “[The evolution of the model code](http://www.thehindu.com/todays-paper/tp-opinion/the-evolution-of-the-model-code/article3143797.ece)”, *The Hindu*, April 7. [http://www.thehindu.com/todays-paper/tp-opinion/the-evolution-of-the-model-code/article3143797.ece].

¹⁷ Election Commission of India. [Model Code of Conduct for the Guidance of Political Parties and Candidates](http://eci.nic.in/eci_main/MCC-ENGLISH_28022014.pdf). [http://eci.nic.in/eci_main/MCC-ENGLISH_28022014.pdf].

8. The Code says that there will be poll observers to whom any complaints can be reported or submitted.

9. The ruling party should not use its seat of power for the campaign purposes.

10. The ruling party ministers should not make any ad-hoc appointment of officials, which may influence the voters in favour of the party in power.”¹⁸

As can be seen, most of the provisions, especially the first six, ask the political parties and candidates contesting elections to do nothing more than observe the law of the land during their election campaigns. The key elements, and the ones that have caused the most discussion, are the last two which refer to the conduct of the ruling party and its members. Since the provisions related to the party in power are the most contentious, these are reproduced below in full:

“VII. Party in Power

The party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular –

(i) (a) The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work.

(b) Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;

(ii) Public places such as maidans etc., for holding election meetings, and use of helipads for air-flights in connection with elections shall not be monopolized by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;

(iii) Rest houses, dak bungalows or other Government accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to be used by other parties and candidates in a fair manner but no party or candidate shall use or be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda;

(iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided.

¹⁸ Mohan, R. 2014. “[Lok Sabha Elections 2014: The Model Code of Conduct, What Does it Mean to Parties, Candidates](http://www.ibtimes.co.in/lok-sabha-elections-2014-the-model-code-of-conduct-what-does-it-mean-to-parties-candidates-541909)”, *International Business Times*, March 5. [http://www.ibtimes.co.in/lok-sabha-elections-2014-the-model-code-of-conduct-what-does-it-mean-to-parties-candidates-541909].

(v) Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and

(vi) From the time elections are announced by Commission, Ministers and other authorities shall not:

(a) announce any financial grants in any form or promises thereof; or

(b) (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or

(c) make any promise of construction of roads, provision of drinking water facilities etc.; or

(d) make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favour of the party in power.

Note: The Commission shall announce the date of any election which shall be a date ordinarily not more than three weeks prior to the date on which the notification is likely to be issued in respect of such elections.

(vii) Ministers of Central or State Government shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorized agent.”

By way of clarification, the ECI has also issued a detailed document¹⁹ in the form of “Frequently Asked Questions (FAQs)” on this issue.

The MCC as quoted above needs to be compared with the description of the ill-effects of the MCC that the NITI Aayog describes as follows: “Effectively, except the routine administrative activities, *other development programs, welfare schemes, capital projects etc.* remain largely suspended till the time the model code is applicable and in the area it is in operation” (Bold in original, italics added).

The NITI Aayog Discussion Paper also quotes the following, presumably with approval, from the Parliamentary Committee report:

“Problems due to imposition of the above code have been articulated by the Parliamentary Standing committee in its 79th report. The Committee states: ‘...*The imposition of Model Code of Conduct (MCC) puts on hold the entire development programme and activities of the Union and State Governments in the poll bound State. It even affects the normal governance. Frequent elections lead to imposition of MCC over prolonged periods of time. This often leads to policy paralysis and governance deficit*” (Italics in the original, underlining added).

¹⁹ Election Commission of India, 2007. “[Model Code of Conduct for the Guidance of Political Parties and Candidates](http://documents.gov.in/central/11949.pdf)”. [http://documents.gov.in/central/11949.pdf].

A simple comparison of the descriptions in the original MCC and clarifications given in the FAQs, with the descriptions and interpretations given by NITI Aayog and the Parliamentary Committee will show the latter to be gross exaggerations. The claim that “other *development programs, welfare schemes, capital projects* etc. remain *largely suspended*,” and further that “...the imposition of Model Code of Conduct (MCC) *puts on hold the entire development programme and activities of the Union and State Governments* in the poll bound State. It even *affects the normal governance*”, is at variance with the prohibitions listed in the MCC, which are applicable only to *introduction of new programmes*, and particularly those that seem to have a *direct bearing on the results of the impending election*.

The MCC does NOT ask for existing programmes to be put on hold at all. *Normal governance* obviously *has to go on* and *it does go on*. As the former Chief Election Commissioner and the author of *The Making of the Great Indian Election*,²⁰ S.Y. Quraishi, observed, “ECI only says, no new announcement will be done, which would seduce the voter.”²¹ And if during an ongoing election, the government feels the urgency to carry out an act in the public interest, which it is sure will not “seduce the voter”, it can always ask for the opinion of the ECI.

It is a different matter that political parties in power seem to wake up from their slumber only a couple of months before the next election is due, and remember all their promises made at the time of the last election. Instances of ministers laying multiple foundation stones and inaugurating new schemes in anticipation of elections are legion and do not need to be recounted here.

What the above discussion shows is that the imposition of the MCC merely prevents the party in power from attempting to misuse the fact of it being power to acquire unfair advantage over the opposing parties and candidates. To say that the MCC prevents usual development and governance activities is just not true.

The attitude of political parties and candidates contesting elections to the MCC was pithily summed up by *The Indian Express*:

²⁰ Quraishi, S.Y. 2014. *An Undocumented Wonder: The Making of the Great Indian Election*, Rainlight-Rupa, New Delhi.

²¹ Quraishi, S.Y. 2016. “[Desirability and Feasibility of Simultaneous Elections](http://www.indiafoundation.in/desirability-and-feasibility-of-simultaneous-elections/)”, *India Foundation and Nehru Memorial Museum and Library*, November 26. <http://www.indiafoundation.in/desirability-and-feasibility-of-simultaneous-elections/>

“And yet, the abysmal depths the Bihar campaign plumbed has underscored the inadequacy of the MCC in dealing with erring politicians, with many wondering if giving statutory backing to the Code could be the answer. After all, it is argued, which politician would flinch from a mere reprimand if the prize is victory in an important election?”²²

Does governance suffer?

This is a very legitimate question and the answer is an unqualified ‘Yes’. But the key lies in the reason *why* governance suffers. Governance does not suffer because of the MCC but because members of the political executive decide to overlook or forget the ‘Oath of Office’²³ that they take while being sworn-in as Ministers in the Union or state governments. How this works is that the smallest of election anywhere in the country is treated as if it is a referendum on the government, and almost all Ministers spend their work time campaigning or doing other things related to the election. This leaves hardly any time for them to do what they “solemnly affirm” or “swear in the name of God” to do when they take their ‘Oath of Office’ which is to “faithfully and conscientiously discharge my duties as a Minister”.

It is very difficult to believe that they are discharging their “duties as Minister(s) ... faithfully and conscientiously” when they spend all their time in electioneering. The reason for governance suffering, therefore, is not the MCC but overlooking the ‘Oath of Office’, or should one say dereliction of duty, by Ministers.

Frequent elections lead to massive expenditures by Government and other stakeholders

The second ‘adverse impact’ of the current election process identified by NITI Aayog is even more curious. . The way this ‘adverse impact’ is worded gives the impression that by far the greatest expense in any election is incurred “by Government.” Quraishi said²⁴ on November 26, 2016, “The Prime Minister talked about the cost – Rs.30,000 crores – as being spent by political parties. Rs.4,500 crores is spent by Election Commission on election management.” He also said that the figure of Rs.4,500 crores is an understatement.

²² Chhibber, M. 2015. “[Model Code is only moral code, but carries weight](#)”, *The Indian Express*, November 5. [<http://indianexpress.com/article/explained/model-code-is-only-moral-code-but-carries-weight/>].

²³ “I, A. B., do ‘swear in the name of God’/‘solemnly affirm’ that I will bear true faith and allegiance to the Constitution of India as by law established, 1 [that I will uphold the sovereignty and integrity of India,] that I will faithfully and conscientiously discharge my duties as a Minister for the Union and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will” (<http://lawmin.nic.in/coi/coiason29july08.pdf>).

²⁴ Quraishi, S.Y. 2016. Op. cit.

Even if the expenditure by the ECI is doubled, tripled, or even quadrupled to include additional expenditure by the Government, the total figure will still be dwarfed in comparison to “Rs.30,000 crores” which no less an authority than the Prime Minister is quoted as saying, that political parties spent! This of course does not include the expenditure by what the NITI Aayog very thoughtfully refers to as “other stakeholders”.

It is true that *all* elections in India “lead to massive expenditures” irrespective of whether these are frequent or not. Once again, the key is to understand *why* elections “lead to massive expenditures”, and *who* incurs these ‘massive expenditures’. It is easier to answer the second question. By far the greatest expenditure during elections is incurred by political parties followed by candidates.

Expenditure incurred

The *only* official source of information about expenditure incurred during elections by political parties and candidates is the Election Expenditure Affidavit that each party and candidate is required to submit to the ECI after the elections. It is important to stress that this is the only official source for this information.

To what extent these ‘declared’ figures represent or even approximate the actual figures remains a matter of conjecture and doubt. In one example earlier, we saw the huge mismatch between the election expenditure officially declared in the affidavit by the candidate and the actual expenditure admitted to by him at a public event. It is evident that this is a representative example. Indeed, similar doubts exist with respect to the election expenditure declared by political parties.

Election expenditure affidavits of six²⁵ political parties, which have been given the status of ‘national parties’ by the ECI, for the Lok Sabha elections of 2004, 2009, and 2014 have been analysed²⁶ by the Association for Democratic Reforms²⁷ (ADR), and a summary is given in the table below.

²⁵ Bharatiya Janata Party (BJP), Indian National Congress (INC), Bahujan Samaj Party (BSP), Nationalist Congress Party (NCP), Communist Party of India (CPI), and Communist Party Marxist (CPM).

²⁶ **ADR. 2015.** “[Analysis of Funds Collected and Expenditure Incurred by National Political Parties - Lok Sabha 2004, 2009 & 2014](https://adrindia.org/research-and-report/political-party-watch/combined-reports/2015/analysis-funds-collected-and)”, March 2. [https://adrindia.org/research-and-report/political-party-watch/combined-reports/2015/analysis-funds-collected-and].

²⁷ [Association for Democratic Reforms](http://www.adrindia.org). [www.adrindia.org].

National Party	Lok Sabha elections - 2004	Lok Sabha elections - 2009	Lok Sabha elections - 2014	Total expenditure (Rs. crore)
BJP	102.65	448.81	712.48	1,263.94
INC	149.61	380.04	486.21	1,015.86
BSP	4.21	21.23	30.06	55.5
NCP	3.86	8.06	64.48	76.4
CPI	0.52	8.12	6.72	15.36
CPM	8.57	9.55	8.8	26.92
Grand Total	269.42	875.81	1,308.75	2,453.98

The above table leads to two important conclusions.

- Election expenditures for all parties have consistently increased from one election to another, with the exception of the two Communist parties, between 2009 and 2014.
- The expenditure incurred by the two major parties, BJP and Congress, is way above that of the remaining parties.

The more significant conclusion, however, requires the data in the table to be seen in comparison to the Rs.30,000 crore, which the Prime Minister is reported to have quoted as “the election expenditure incurred by the political parties”. If the figure of Rs. 30,000 is assumed to be true, then it is patently clear that political parties habitually and grossly misrepresent the actual expenditure when they file their sworn affidavits.

Why do political parties spend so much money on elections?

This question has long been agitating those who study elections and politics across the world. An obvious, and simplistic, answer of course is: to win the election and get into power. But undoubtedly there is more to this than meets the eye. Two broad issues are worth considering.

The first is black money. That political funding is the fountainhead of black money has been said a long time ago²⁸. A recent detailed analysis²⁹ of this phenomenon concluded that “The entire political edifice will not do anything about it so exhortations to them in the interest of the nation or in the interest of democracy are, and will be, of no use.” One major reason for the preference of cash donations by parties is self-evident: cash donations being unaccounted, a part of it can be siphoned off for personal use both by the corporate donors and their political beneficiaries.

The NITI Aayog Discussion Paper quotes, with approval, the Prime Minister’s views as expressed in an interview to the TV channel, *Times Now*: “*Electoral reforms are necessary if the country has to be rid of black money*. It (simultaneous elections) is one of the areas for electoral reforms. I believe the Prime Minister cannot take a decision on this, nor should he do that” (Emphasis added).

The source³⁰ that the NITI Aayog Discussion Paper cites in this regard is *Business Standard* which paraphrases the Prime Minister’s views thus:

“Electoral reforms are necessary if the country is to be rid of black money ... Modi said ending [the] perpetual election cycle in the country is an important component of electoral reforms but it can only be [done] through a broad consensus.... I believe the Prime Minister cannot take a decision on this, nor should he do that. There should be a broad discussion’ Modi told *Times Now*.”

Business Standard has another quote from the Prime Minister’s interview: “This issue has also been discussed in a parliamentary committee. This work has also been started by the Election Commission. *This issue of elections is also connected to the black money*” (Emphasis supplied).

The Prime Minister mentioned black money at least twice in one interview indicating how important the issue is to him. It is intriguing, however, that in his view, holding elections simultaneously to the Lok Sabha and State Assemblies, is a major step for getting rid of black money. Just how the government proposes to attack the problem of black money via a single combined poll is any body’s guess, more so considering its record on cracking black money.

²⁸ Chhokar, J.S. 2010. “[Political funding: the fountainhead](#)”, *Financial Express*, December 19. [http://www.financialexpress.com/news/political-funding-the-fountainhead/726488/].

²⁹ Chhokar, J.S. 2017. “[Black Money and Politics in India](#)”, *Economic & Political Weekly*, February 18, Vol. 52, Issue No. 7.

Accessible at: <https://www.scribd.com/document/344156344/Black-Money-and-Politics-in-India-EPW-February-18-2017>

³⁰ IANS. 2016. “[Electoral reforms necessary to curb black money: Modi](#)”, *Business Standard*, June 26.

[http://www.business-standard.com/article/news-ians/electoral-reforms-necessary-to-curb-black-money-modi-116062701266_1.html].

While several, much simpler, options³¹ are, and have been, available for curbing black money, the government has come up with a bizarre solution like electoral bonds^{32,33,34,35} which is an opaque scheme completely at variance with the objective of bringing black money into the open. Union Finance Minister Arun Jaitley himself admits that: “These bonds will be bearer in character to *keep the donor anonymous*” (emphasis added). Yet he also claims that the bonds will increase “Transparency in Electoral Funding”. If anything, this decision by the government will facilitate the generation and use of black money instead of making it difficult to generate and use it.

The other reason *why* political parties spend so much money on elections has to do with the selection of candidates by parties and in more general terms, with the lack of, or as in most cases, the complete absence of, democracy in the internal functioning of political parties. The connection between the two may require to be explained.

There are arguably myriad considerations when a political party chooses one candidate over another. Yet a vaguely defined prerequisite which all parties seem to agree on, is the ‘winnability’ of the candidate. What are the factors that go into making a candidate winnable? Common sense may suggest that factors such as where the prospective candidate lives and works in the constituency and whether his/her work has positively impacted the people of the region, should be important criteria for a candidate’s selection. However, these don’t necessarily make a candidate ‘winnable’. What invariably become important in the calculation of ‘winnability’ are: how much money the candidate can raise and spend, and even contribute to the party; and how much muscle power he or she commands.

Thanks to this overwhelming consideration, political parties often end up picking people who may have had little to do with the constituency. Possibly the most celebrated instance of this phenomenon was when a former Indian cricket captain living in a metropolis in south India, was literally airdropped on a north Indian town, after having been chosen as a candidate to represent a leading political party. It was reported that the rank and file workers of the party were very

³¹ Such as implementing a 2013 decision of the Central Information Commission that six national political parties are ‘public authorities’ under the Right to Information Act, a decision that all the six parties (BJP, Congress, BSP, NCP, CPI, and CPM) have been blatantly refusing to comply with, and the Union of India has given an affidavit to the Supreme Court saying that political parties should not be under the RTI Act.

³² Chhokar, J.S. 2017. “[Towards Openness](#)”, *The Indian Express*, February 3. [<http://indianexpress.com/article/opinion/columns/towards-openness-4504868/>].

³³ Chhokar, J.S. 2017. “[Financial Bill Reflects Modi Government's Consistent Opacity on Political Funding](#)”, *The Wire*, March 29. [<https://thewire.in/119760/finance-bill-political-funding/>].

³⁴ <https://www.scribd.com/document/353167531/Business-Standard-July-07-2017-Scrap-Electoral-Bonds>

³⁵ Chhokar, J.S. 2018. “[Much Ado About Nothing: Electoral Bonds and an Unapologetic Lack of Transparency](#)”, *The Wire*, January 4. [<https://thewire.in/210430/electoral-bonds-transparency-in-political-funding/>].

upset with this choice and refused to involve themselves in the distribution of pamphlets of this candidate even when he offered them twice the daily wage rate whereas they might have done this voluntarily had the party chosen a popular local leader.

Such candidates despite not belonging to the constituencies that they are chosen to contest from, are, however, able to spend extravagant amounts on their campaigns. Obviously, such vast sums will be in excess of the prescribed limits and some of the expenditure will also likely go into the pursuit of extra-legal activities.

The essential point is that if, and that is a very big if, political parties choose candidates based on the preferences of local members of the party expressed in a transparently democratic manner, the candidates so chosen *will not need to spend so much money* as candidates who are not really known even to the party workers in the constituency. This reform, which will minimise expenditure and increase the participation of the cadre, can go a long way towards *demonstrable internal democracy in the functioning of political parties*.

This is where the 170th report³⁶ of the Law Commission, titled *Reform of the Electoral Laws*, which the Discussion Paper of the NITI Aayog quotes repeatedly, has a concrete recommendation.

“3.1.2.1. On the parity of the above reasoning, it must be said that if democracy and accountability constitute the core of our constitutional system, the same concepts must also apply to and bind the political parties which are integral to parliamentary democracy. It is the political parties that form the government, man the Parliament and run the governance of the country. It is therefore, necessary to introduce internal democracy, financial transparency and accountability in the working of the political parties. A political party which does not respect democratic principles in its internal working cannot be expected to respect those principles in the governance of the country. It cannot be dictatorship internally and democratic in its functioning outside.”

The issue of internal democracy in political parties has often been commented upon³⁷ but has not found favour with the political establishment. The response of political parties to the recommendation of the Law Commission on “financial transparency and accountability” has already been commented upon in the section on why political parties spend so heavily on elections. (See also foot note 30.)

³⁶ Law Commission of India. 1999. “[One Hundred Seventieth Report on Reform of the Electoral Laws](http://www.lawcommissionofindia.nic.in/lc170.htm)”, May. [http://www.lawcommissionofindia.nic.in/lc170.htm].

³⁷ Chhokar, J.S. 2011. “[Can undemocratic parties serve a democratic nation?](http://archive.indianexpress.com/news/can-undemocratic-parties-serve-a-democratic-nation/847244/0)”, *The Indian Express*, September 16. [http://archive.indianexpress.com/news/can-undemocratic-parties-serve-a-democratic-nation/847244/0].

Against this background, it seems inexplicable that there should be so much focus on holding simultaneous elections to the Lok Sabha and State Assemblies, as the only or the most effective solution to reduce election expenditure, when several seemingly easier and more effective options are available. The repeated refrain of the proponents of simultaneous elections is that it will result in substantial savings of money for the nation. The NITI Aayog's Discussion Paper is eloquent on this.

“3.20 As elections happen frequently in some State Assembly or the other, political parties particularly worry about [the] need to keep inflow of funds and contributions continued. This whole cycle is consequently blamed as one of the key drivers for corruption and black-money in the country. Hence, from the perspective of candidates and political parties, simultaneous elections could open up possibilities to address the above systemic problems that impact the overall fabric of Indian economy and polity adversely.”

“3.22 These figures indicate that simultaneous elections would help the exchequer curtail election expenditures in a significant manner. Hence, from the perspective of the Government, simultaneous elections would clearly help save precious tax payers money. This is critical as efficiency in election expenditures would contribute to enhanced fiscal space – both for State and the Union Government that could be deployed for other national development priorities without compromising the democratic structure of the country.”

The first of the above two observations is “from the perspective of candidates and political parties” and suggests that candidates and their parties want to solve the “systemic problems that impact the overall fabric of Indian economy and polity adversely.” The faith NITI Aayog shows in the seeming desire of political parties to solve systemic problems adversely affecting the polity is touching but it is not borne out by the experience of at least the last two decades. In this context it is worth reproducing, as specific points, the conclusions of the essay, *Black Money and Politics in India*, published in February 2018 in the *Economic and Political Weekly* (foot note 28)

- “Political parties are not willing to disclose sources of their funds.
- They will go to any lengths, including using Parliament and the bureaucracy, to prevent disclosure of the sources of their funds.
- They are even ready to blatantly defy legitimate, legal, and constitutional decisions of the Central Information Commission.
- It is not beyond them to violate the law of the land (the FCRA) and then use both the Legislative and the Executive authority to amend the law of the land, surreptitiously if necessary, to prevent the law of the land taking its course.”

Echoing “the perspective of the Government,” NITI Aayog speaks of saving “precious tax payers’ money”. It also mentions “enhanced fiscal space” facilitated by the saved money which can be deployed “for other national development priorities democratic structure of the country.”

Shorn of frills, what NITI Aayog is saying is that “national development priorities” are more important than the democratic exercise of holding elections. In other words, the tax payers’ money is better spent on what are defined as “development priorities” by the government of the day than on conducting free and fair elections which is at the core of India’s status as the largest democracy in the world and the only one in the neighbourhood.

It is truly stunning that an institution whose acronym expands to “National Institution for Transforming India” should put it down in writing that anything, anything at all, is more important than democracy. The qualifier “without compromising the democratic structure of the country” is clearly a fig leaf.

The simple, and crucial, questions to ask are: Should the nation be looking to create the ‘most effective’ democracy or the ‘least expensive’ democracy? Is it possible, or is it even desirable or advisable, to assign a monetary value or cost to democracy? Should the country entertain the idea of “development” without or at the cost of democracy?

Engagement of security forces for significantly prolonged periods

The conclusion of NITI Aayog on this ‘adverse impact’ is:

“Such a situation is clearly unwarranted as it 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.”

Once again Niti Aayog comes to a hasty conclusion without proper examination of the subject. A serious analysis would have started by asking *why* deployment of security forces in such large numbers is required in the first place.

Deeper reflection would have shown that security forces are deployed because the police no longer seem capable of handling law and order situations as they are required to. As a

matter of fact, even political parties in power exert pressure on the ECI to deploy forces from outside their States for election security supervision³⁸.

Why are the police not able to perform their role as mandated by the Constitution? The answer to this question is provided by two of India's best known former police officers. As Julio Rebeiro, former Director-General of Police, Punjab and Gujarat, wrote:

“The police in India today are not expected to uphold the rule of law. They are trained to do that but as soon as officers are absorbed into the system they quickly learn that all they are required to do is uphold the rule of the party in power....Politicians of all parties and ideologies treat the bureaucracy and the police as private fiefdoms that will bow to their wishes as and when demanded.”³⁹

Writing on the same incident, former Director-General of Uttar Pradesh Police, and Director- General, Border Security Force, said:

“There has been a terrible failure of leadership in Haryana at all levels — political, bureaucratic and police. *The political leadership should have seen the straws in the wind and given priority to maintaining law and order rather than protecting a political constituency*”⁴⁰ (Italics added).

Based on the above observations, the solution to reducing the “Engagement of security forces for significantly prolonged periods” would seem to lie in politicians and political parties letting the police do the job that the Constitution enjoins them to do, not only when elections are taking place but at all times, and not in minimising the number of elections.

Other Issues

The NITI Aayog Discussion Paper lists three other ‘adverse impacts’ under the heading “Other Issues.”

The first assumed adverse impact is that *frequent elections disrupt normal public life*. The document quotes the Parliamentary Standing Committee’s observations that public rallies will “disrupt road traffic and lead to noise pollution.” It is hard not to wonder at the naiveté of the Parliamentary Committee and NITI Aayog and their abysmally low expectations of people who might be

³⁸ “That statement is very significant, which means that the chief minister of a state did not trust his own police. He expects police to come from outside. Because it is a reality, that state police has become police of some particular leaders rather than police of the state.”

Quraishi, S.Y. 2016. Op. cit.

³⁹ **Ribeiro, J. 2017.** “[Panchkula everywhere](#)”, *The Indian Express*, September 18.

[<http://indianexpress.com/article/opinion/columns/haryana-police-dgp-dera-gurmeet-ram-rahim-arrest-panchkula-everywhere-manohar-khattar-govt-godmen-4848296/>].

⁴⁰ **Singh, P. 2017.** “[A tragic trilogy](#)”, *The Indian Express*, August 31.

[<http://indianexpress.com/article/opinion/columns/gurmeet-ram-rahim-singh-dera-sacha-sauda-panchkula-haryana-a-tragic-trilogy-4821350/>].

expected to read both the reports. Stated plainly, both disruption of road traffic and adding to noise pollution are violations of the Model Code of Conduct, and should be avoided in any case. The second is titled, *perpetuation of caste, religion and communal issues across the country*. Former CEC Quraish, has been quoted as saying,⁴¹

“...elections are polarising events which have accentuated casteism, communalism, corruption and crony capitalism. If the country is perpetually on election mode, there is no respite from these evils. Holding simultaneous elections would certainly help in this context”.

This appears to be a rather facetious argument. First, there is the assumption that “casteism, communalism, corruption and crony capitalism” do not happen when there are no elections, or become more acute, only during election time. National experience of the last few decades shows this to be untrue. Indeed, if this logic were to be extended, it might mean that elections must not be held at all as elections accentuate “casteism, communalism, corruption and crony capitalism.” This is strange and is in the same league as arguing that one combined poll will curtail black money.

The third assumed impact is that, *frequent elections adversely impact the focus of governance and policy making*. To buttress this claim, Niti Ayog quotes a former Union Minister as saying that frequent 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 already argued in the section on the Model Code of Conduct, it is a rhetorical question whether the political class is *forced* to or *chooses* to focus on immediate electoral gains.

⁴¹ Quraishi, S.Y. 2016. “[Holding LS, Assembly Polls Together is Desirable but Not Feasible](https://www.thequint.com/opinion/2016/06/13/holding-ls-assembly-polls-together-is-desirable-but-not-feasible)”, *The Quint*, June 13. [https://www.thequint.com/opinion/2016/06/13/holding-ls-assembly-polls-together-is-desirable-but-not-feasible].

IV. Voter Behaviour and Simultaneous Elections

In a seeming concession to critics, the NITI Aayog Discussion paper includes a section titled “Likely Criticisms and counter-arguments.” Not unexpectedly, this section concludes by saying:

“4.16. To sum it up, correlating a particular parameter (simultaneous timing of elections) to explain election results would be over-simplifying the complexity of voting behaviours and undermining the maturing of Indian electorate as well. Together the above arguments clearly indicate that there is no strong basis to conclude that simultaneous elections should not be considered.”

Be that as it may, let us look at some of the *substantial issues that NITI Aayog has chosen to underplay or ignore all together.*

The first question to ask is: What exactly are simultaneous elections? And what legislative bodies do they include? NITI Aayog starts the Discussion Paper with a section titled “Defining ‘Simultaneous Elections’”. And its chosen definition is:

“2.8. Accordingly, for the purposes of this note, 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.”

Niti Ayog’s definition limits the synchronised elections to the Lok Sabha and State Assemblies. In fact, Niti Ayog dismissed the inclusion of the third tier as impractical.

“2.7. Having said that, the third tier institutions 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.”

Yet, former CEC Quraishi, BJP chief, Amit Shah, and even the Prime Minister appeared to be advocating a three-tier synchronised poll from panchayat to Parliament. Quraishi, whom the NITI Aayog Discussion Paper frequently and approvingly quotes, said in the course of a symposium, One Nation, One Election, held on November 26, 2016: “[The] Prime Minister was

talking about simultaneous elections at all three levels. But many normally forget the Panchayat elections while discussing the idea.”

*As recently as February 05, 2018, Amit Shah, while initiating the debate on the Motion of Thanks for the President's address in Parliament, said, “The President of India [Ram Nath Kovind] and the Prime Minister have mooted an idea of holding simultaneous polls from panchayat level to Lok Sabha and this should be considered by all the political parties. Holding elections at different time affects development parameters of the nation and also drains money. I appeal to all political parties to give a second thought to it.”*⁴²

This would suggest that the different arms of the government (in this case NITI Aayog) and the party in power are either not clear about the expression ‘simultaneous elections’ or they are deliberately speaking in different voices. Both these situations should worry the people, the latter more so.

The second substantial issue that the NITI Aayog Discussion Paper has dismissed is *voter behaviour* in the case of simultaneous elections. The Discussion Paper refers to two opinion pieces^{43,44} which show, with concrete data, that when elections to the Lok Sabha and State Assembly are held at the same time, there is a strong tendency for voters to vote for the same political party for both legislatures. However, quoting the well-worn statistical statement “Correlation does not imply causation”, the NITI Aayog Discussion paper dismisses the premise of the two studies by arguing that “correlation between the occurrences of 2 events does not automatically establish cause and effect relationship between them.” Neither piece claimed this. The first op-ed piece in *The Hindu*, in fact, said the following:

“We readily acknowledge that in a complex plural democracy such as India’s, electoral outcomes are a manifestation of various factors. This is an analysis of 513 million voter choices expressed over a 15-year period across six States that reveals the plausible impact of concurrent elections on voter behaviour and potentially nudging voter preferences in one direction. This article is not to argue against holding concurrent elections which requires cautious consideration of all attendant costs and benefits. This is to merely present evidence of one crucial cost of voter behaviour that has often been ignored and

⁴² **PNS, 2018.** “[PANCHAYAT-TO-LS, SHAH CALLS FOR POLLS AT ONE GO](http://www.dailypioneer.com/todays-newspaper/panchayat-to-ls-shah-calls-for-polls-at-one-go.html)”, *The Pioneer*, February 6. [http://www.dailypioneer.com/todays-newspaper/panchayat-to-ls-shah-calls-for-polls-at-one-go.html].

⁴³ **Chakravarty, P. 2016.** “[Nudging the voter in one direction?](http://www.thehindu.com/opinion/op-ed/state-assembly-elections-nudging-the-voter-in-one-direction/article8438114.ece)”, *The Hindu*, April 6. [http://www.thehindu.com/opinion/op-ed/state-assembly-elections-nudging-the-voter-in-one-direction/article8438114.ece].

⁴⁴ **Chhokar, J.S. and Kumar, S. 2016.** “[The case against simultaneous polls](http://www.thehindu.com/opinion/lead/The-case-against-simultaneous-polls/article15000825.ece)”, *The Hindu*, September 27. [http://www.thehindu.com/opinion/lead/The-case-against-simultaneous-polls/article15000825.ece].

presumed to the contrary, through popular narrative. Justifiable attempts to alter India's permanent election malaise can have a tangible and perhaps undesirable impact on voter behaviour."⁴⁵

Ignoring clarifications such as given in the quote above, and dismissing the evidence presented as insufficient, the Discussion Paper reiterates its stand in favour of simultaneous elections in the following words:

"4.13(a) In other words, the studies above do not cite sufficient evidence to conclude that the above results can be primarily attributed to "simultaneous elections".

"4.13(c) ...it is not possible to conclude without analyzing the ground realities in detail that this voting pattern was primarily due to simultaneous elections and not a result of other factors."

"4.14 The above arguments clearly indicate that there is no strong basis/evidence to consider the criticisms highlighted above as true."

"4.16 To sum it up, correlating a particular parameter (simultaneous timing of elections) to explain election results would be over-simplifying the complexity of voting behaviours and undermining the maturing of Indian electorate as well. Together the above arguments clearly indicate that there is no strong basis to conclude that simultaneous elections should not be considered."

In this context, the most recent observation on voter behaviour comes from no less a person than a former judge of the Supreme Court of India. Justice P.B. Sawant wrote on March 06, 2018,

"It is common experience that people vote differently for the Lok Sabha and the state assemblies — for various reasons...Voters vote on local issues while voting for the state assemblies and are motivated by national and international concerns while electing their representatives in the Lok Sabha. But simultaneous elections may steamroll them into voting for the same party for both the Houses, although they do not desire to do so. This may distort the true opinion of the people. The purpose of election itself may thus be defeated."⁴⁶

If, despite such strong opinion, the highest echelons of the government continue to insist that "there is no strong evidence" linking simultaneous elections with voter behavior, it is hard to think of what might convince them!

⁴⁵ **Ibid.** [<http://www.thehindu.com/opinion/op-ed/state-assembly-elections-nudging-the-voter-in-one-direction/article8438114.ece>].

⁴⁶ **Sawant, P.B. 2018.** "[Keep The Polls Apart](http://indianexpress.com/article/opinion/columns/india-lok-sabha-constitution-elections-voters-keep-the-polls-apart-5087305/)", *The New Indian Express*, March 6. [<http://indianexpress.com/article/opinion/columns/india-lok-sabha-constitution-elections-voters-keep-the-polls-apart-5087305/>].

V. Sanctity and Inviolability of the Constitution

The real issue which the NITI Aayog Discussion Paper deals with only perfunctorily is the sanctity and inviolability of the Constitution of India⁴⁷ as interpreted by the Supreme Court. It is widely known, and accepted⁴⁸, that at least five articles of the Constitution (83, 85, 172, 174, 356) will require amendments for elections to Parliament and the State Assemblies to be held simultaneously.

Opinions differ on the feasibility of amending the Constitution given the current political climate. Proponents of simultaneous elections maintain that public opinion can be guided and built over time since, according to them, this is in the larger national interest. Opponents however see no national interest in carrying out large-scale amendments and say that such constitutional amendments are neither possible nor desirable. This therefore remains a matter of opinion.

The fundamental issue however is: Even if such amendments were to be carried out, will they be valid? The reason for doubting the validity of such amendments lies in the federal character of the Constitution.

NITI Aayog deals with it almost parenthetically by including an excerpt from an article that Vice-President M. Venkaiah Naidu wrote when he was a Union Minister. The excerpt is reproduced below:

“The fears that holding simultaneous elections would affect the federal nature of the Indian polity appear to be completely unfounded. As a matter of fact, it would help in better coordination between the governments at the Centre and in various States, rather than moving the country towards becoming a unitary state. Did the holding of simultaneous elections between 1952 and 1967 (when this cycle was broken for politically motivated reasons) in any way make the country a unitary state at that time? Is there any evidence to this effect for anybody to draw such a conclusion?”

“India’s parliamentary democracy, based on strong constitutional principles, is mature enough not to slip into a unitary model just because of simultaneous elections. The country will achieve progress and remain strong only when the Centre and States act as

⁴⁷ **National Portal of India.** [Constitution of India \(Full Text\)](https://www.india.gov.in/my-government/constitution-india/constitution-india-full-text) [https://www.india.gov.in/my-government/constitution-india/constitution-india-full-text]

⁴⁸ There is however an opinion that no amendment to the Constitution is required for simultaneous elections to happen but this view does not appear to be widely held.

equal partners, irrespective of the political differences of those governing at the national and regional levels.”⁴⁹

Notwithstanding the quoted opinion of a Cabinet minister, now an important constitutional functionary, the answer to whether amendments to the Constitution would be valid, lies in what has come to be called the Basic Structure Doctrine which was laid down by the Supreme Court in the 1973 landmark case, *Kesavananda Bharati Sripadagalvaru and Others vs State of Kerala and Another*.⁵⁰ The essence of the doctrine is best explained by quoting concurring excerpts from the judgments delivered by Justice S.M. Sikri who wrote the lead judgment and Justices J.M. Shelat and A.N. Grover, who wrote the judgment immediately following that of Justice Sikri.

Justice S.M. Sikri:

“316. The learned Attorney-General said that every provision of the Constitution is essential; otherwise it would not have been put in the Constitution. This is true. But this does not place every provision of the Constitution in the same position. The true position is that every provision of the Constitution can be amended provided in the result the basic foundation and structure of the Constitution remains the same. The basic structure may be said to consist of the following features:

- (1) Supremacy of the Constitution;
- (2) Republican and Democratic form of Government;
- (3) Secular character of the Constitution;
- (4) Separation of powers between the Legislature, the executive and the judiciary;
- (5) Federal character of the Constitution.

317. The above structure is built on the basic foundation, i.e., the dignity and freedom of the individual. This is of supreme importance. This cannot by any form of amendment be destroyed. 318. The above foundation and the above basic features are easily discernible not only from the preamble but the whole scheme of the Constitution, which I have already discussed.”

Justice J.M. Shelat and Justice A.M. Grover:

“620. The basic structure of the Constitution is not a vague concept and the apprehensions expressed on behalf of the respondents that neither the citizen nor the Parliament would be able to understand it are unfounded. If the historical background, the Preamble, the entire scheme of the Constitution, the relevant provisions thereof including Article 368 are kept in mind there can be no difficulty in discerning that the following can be regarded as the basic elements of the Constitutional structure. (These cannot be catalogued but can only be illustrated).

⁴⁹ Naidu, V.M. 2016. “[Breaking out of election mode](http://www.thehindu.com/opinion/op-ed/Breaking-out-of-election-mode/article15422727.ece)”, *The Hindu*, October 3. [http://www.thehindu.com/opinion/op-ed/Breaking-out-of-election-mode/article15422727.ece].

⁵⁰ Indian Kanoon.org. *Kesavananda Bharati Sripadagalvaru and Others vs State of Kerala and Another* Supreme Court of India, 1973. [<https://indiankanoon.org/doc/257876/>]

1. The supremacy of the Constitution.
2. Republican and Democratic form of Government and sovereignty of the country.
3. Secular and federal character of the Constitution.
4. Demarcation of power between the legislature, the executive and the judiciary.
5. The dignity of the individual (secured by the various freedoms and basic rights in Part III and the mandate to build a welfare State contained in Part IV.
6. The unity and the integrity of the nation.”

In sum, what the Basic Structure Doctrine lays down is that while Article 368 of the Constitution does give Parliament the power to “amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article”, Parliament does *not* have the power to amend the basic structure of the Constitution.

Item (5) of paragraph 316, and item 3 of paragraph 620 of the *Kesavananda Bharati* judgment should leave no doubt that the “Federal character of the Constitution” is one of the inalienable components of the Basic Structure of the Constitution.

The question then is: Will holding elections to Parliament and State Assemblies simultaneously amount to indirectly interfering with the ‘federal character’ of the Constitution, in effect changing it into a “unitary structure”? Will this in consequence amount to an attempted change in the Basic Structure of the Constitution, thus violating the *Kesavananda Bharti* judgment?

The answer to this question has been provided very recently by former Supreme Court judge, P.B. Sawant, in the following terms:

“India is a federal state with its constituting units, the states, having the autonomy of governance in the subjects specified by the Constitution. Federalism is one of the basic features of the Constitution. The constitution of legislative assemblies and formation of state governments are autonomous functions. The Union government cannot interfere with the governance of a state except when there is a proclamation of Emergency under articles 352, 355 and 356 of the Constitution”⁵¹ (Emphasis added)

Citing two inglorious instances of dismissal of elected State governments by the Union government, one in 1977 by the Janata Party, and the other in 1980 by the Congress, the former apex court judge goes on to say,

⁵¹ **Sawant, P.B. 2018.** “[Keep The Polls Apart](http://indianexpress.com/article/opinion/columns/india-lok-sabha-constitution-elections-voters-keep-the-polls-apart-5087305/)”, *The Indian Express*, March 6. [http://indianexpress.com/article/opinion/columns/india-lok-sabha-constitution-elections-voters-keep-the-polls-apart-5087305/].

“Notwithstanding the federal Constitution and the fact that the provisions of article 174 (2)(b) are not meant to give the Centre the power of dissolution of state legislatures, the Centre used these provisions in a dubious manner to interfere in the governance of the states.”

It is therefore clear that any attempt to meddle with the autonomy of elected state governments amounts to disrupting the federal character of the Constitution, held to be part of the Basic Structure of the Constitution. Extending the logic, holding of simultaneous elections which encroaches into state autonomy is not likely to stand judicial scrutiny.

Another interpretation⁵² of the one-poll blitzkrieg is that it is a thinly disguised attempt at changing the federal character of the Indian state into a unitary one.

⁵² Chhokar, J.S. 2018. “[One nation, one election: Attempt to change federal character of country to unitary one](http://epaper.prabhatkhabar.com/1530120/RANCHI-City/City#page/15/2)”, *Prabhat Khabar*, February 4, Page 15. [http://epaper.prabhatkhabar.com/1530120/RANCHI-City/City#page/15/2].

VI. Some Related Issues

To start with there is the problematic issue of *involving the President* of the Republic in matters such as simultaneous elections, which, because of their strong political undertones, can undermine the impartiality of the President's office. As has been pointed out above, two Presidents, one former and one current, have been quoted in the Discussion Paper prepared by NITI Aayog in support of holding simultaneous elections. On both the occasions, each of the Presidents was bound by the weight of tradition and precedence to say what the government of the day wanted him to say. One of these was an address to the nation on the eve of a Republic Day, and the other was an address to the Joint Sitting of the two Houses of Parliament.

Both these instances have unfortunately not remained free of controversy. President Mukherjee who supported holding of simultaneous elections during the Republic Day eve address to the nation, spoke out against it while delivering a lecture, *Parliamentary Democracy and its Challenges Today*, subsequent to demitting office. He said⁵³:

“There are 29 states... Now every assembly is to be expected to continue (for) five years but it may not. By any law, by any amendment of Act, you can ensure that in future a state government will not collapse. What is the answer?”

“Four years, four and a half years, three years, two years?... President's Rule? Article 356?... You can have that, but *that will not be democratic. People of the state will be denied to have their representative government if you artificially try to hold elections simultaneously*” (Italics added).

President Mukherjee's views appear to have changed once he was freed from the constraints of the high office that he held.

President Kovind commended simultaneous election to the nation in his an address to the Joint Sitting of two Houses of Parliament. It is worth remembering that he had the unusual experience of making an appointment at the request of the government and withdrawing approval for the same – at the request of the same government. This caused S.N. Sahu, who worked as OSD and Press Secretary to President K.R. Narayanan, to express his concern as follows:

⁵³ *The Indian Express*. 2018. “[Simultaneous polls difficult, and won't be representative: Former President Pranab Mukherjee](http://indianexpress.com/article/india/simultaneous-polls-difficult-and-wont-be-representative-former-president-pranab-mukherjee-5075863/)”, February 24. [http://indianexpress.com/article/india/simultaneous-polls-difficult-and-wont-be-representative-former-president-pranab-mukherjee-5075863/].

“The President, as the head of state, occupies an exalted place and the incumbent of the post is set above all the other organs of administration and governance. A proposal, before it is sent to the President, is vetted thoroughly and the decision to accord it approval is taken by the President based on law, jurisprudence and settled convention...Therefore, the request by the HRD ministry for the President to withdraw his approval to the appointment of the VC of Viswa Bharati — and his acceptance of the request — has become a matter of discussion in public domain. The report on the President giving in to the government is not in consonance with the majesty and esteem of the head of the state, which in terms of political philosophy, is more expansive and broad than of the head of the government. The withdrawal of approval has created a new precedent which requires deep reflection

Given the above two instances, it is an open question how much credence can be given when government officials quote statements by Presidents in support of what a government wants to say.

Another striking fact about simultaneous elections is the relentless, almost feverish, campaign by the government and the ruling party. The following sequence of activities, compiled based on personal knowledge and not on a systematic search, will illustrate the anxiety that this issue evokes among those in power.

- **March 26, 2014:** Bharatiya Janata Party (BJP) issues its manifesto for the 2014 Lok Sabha election.
- **January 21, 2015:** Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice identifies “Simultaneous Elections” as a Subject for examination and report.
- **January 28, 2015:** Telephone call is made from the Prime Minister’s Office to the Chief Election Commissioner.
- **March 5, 2015:** Election Commission of India sends its ‘view’ on Simultaneous Elections to the Parliamentary Standing Committee.
- **December 17, 2015:** Parliamentary Committee submits its report.
- **February 3, 2016:** Law Ministry forwards the Parliamentary Committee’s report to the ECI for its comments.
- **March 2, 2016:** Law Ministry sends a reminder to ECI.
- **March 19, 2016:** Prime Minister makes a statement on this issue in a closed door meeting of the BJP’s national office bearers.
- **May 5, 2016:** ECI responds by sending a copy of its letter of March 05, 2015 that it had sent to the Parliamentary Committee.

- **October 3, 2016:** A central minister writes an opinion piece in a major national daily.
- **November 26, 2016:** Symposium on ‘One Nation, One Election’ jointly organised by India Foundation and Nehru Memorial Museum and Library.
- **January 25, 2017:** President mentions this in his Republic Day eve address to the nation.
- **April 2017:** NITI Aayog issues its Discussion Paper on Simultaneous Elections.
- **January 29, 2018:** President commends Simultaneous Elections in the Joint Sitting of two Houses of Parliament.
- **February 28, 2018:** Prime Minister addresses “a meeting of all [BJP] chief ministers and deputy chief ministers to find ways to deliver on its [government’s] promise of ‘one nation, one election.’”⁵⁴
- **March 4, 2018:** Chief Minister of Madhya Pradesh sets up “a committee to take the thought of simultaneous elections forward.”⁵⁵

In addition to the above flurry of activities, there have been reports of some counter-productive actions such as the Haryana government announcing setting up of a new authority “in the State for supervising the election process in cooperative bodies.”⁵⁶ While this may not have anything to do with elections to Parliament and State Assemblies, and not even with those to Panchayats and other local bodies, it is certainly in a direction opposite to the goal of simultaneous elections which the central government, headed by the same political party as in Haryana, is working hard to achieve.

The Indian Express has meanwhile reported that the Madhya Pradesh government

“has not...acted yet on a report that detailed how simultaneous elections could be held to panchayat and urban bodies. (This) report, submitted by the State Election Commission two years ago, recommended amendments to sections of Madhya Pradesh Nagarpalika Adhinyam, 1961, Madhya Pradesh Nagarpalika Nigam Adhinyam, 1956, and Madhya Pradesh Panchayat Raj Evam Gram Swaraj Adhinyam, 1993 to enable simultaneous polls to panchayats and urban bodies.”⁵⁷

⁵⁴ Varma, G. 2018. “[BJP goes into a huddle to push for ‘one nation, one election’](#)”, *livemint*, March 1.

[http://www.livemint.com/Politics/aGMkNmPAhtBrIKEuvfGdLK/BJP-goes-into-a-huddle-to-push-for-simultaneous-elections-in.html?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter].

⁵⁵ Ghatwai, M. 2018. “[Madhya Pradesh forms panel to study feasibility of simultaneous polls](#)”, *The Indian Express*, March 5. [<http://indianexpress.com/article/cities/bhopal/madhya-pradesh-forms-panel-to-study-feasibility-of-simultaneous-polls-5086172/>].

⁵⁶ *The Hindu*. 2018. “[Cooperative Election Authority soon in Haryana](#)”, March 5.

[<http://www.thehindu.com/news/national/other-states/cooperative-election-authority-soon-in-haryana/article22936938.ece>].

⁵⁷ Ghatwai, M. 2018. “[Yet to act on 2-year-old report, Madhya Pradesh explores simultaneous polls afresh](#)”, *The Indian Express*, March 6. [<http://indianexpress.com/article/india/yet-to-act-on-2-year-old-report-madhya-pradesh-explores-simultaneous-polls-afresh-5087350/>].

Read together, the above two news reports create an impression that while the urge to institute simultaneous elections is very strong in the ruling party at the centre, overall there is a lack of coherence because the policies of the governments at the states and the centre are not always in sync.

A sense of déjà vu

Though synchronised elections are being pushed as something new and almost revolutionary, the idea is not new, as former CEC Quraishi has pointed out:⁵⁸

“[The] Law Commission, as far back as in 1999, had recommended in detail that staggered elections are very cumbersome, that they are creating problems and that there should be simultaneous elections. L.K. Advani was a strong proponent of it. In a blog in May 2010, he strongly recommended that there should be simultaneous elections and he also offered a solution saying no-confidence motion must also accompanied by a confidence motion.”

He also mentioned that the late Congressman, Vasanth Sathe, had “recommended it for decades.”

In this regard, the Congress experience provides a sense of *déjà vu*. In the March 1971 election to the Fifth Lok Sabha was held. It was the first election after the split in the Congress party and the faction of the Congress led by Indira Gandhi won 352 out of 518 Lok Sabha seats. This overwhelming majority in fact prompted the coining of a slogan “Indira is India, India is Indira”, by a Congress member from Assam, Dev Kanta Barooah.⁵⁹

It is important to note that it was in this political climate of one-party dominance that the first suggestions were made to shift India from the then prevailing – and currently continuing – parliamentary system to a presidential form of government. The same context also resulted in demands for simultaneous elections to Parliament and the State Assemblies.

The strong similarity between the then political climate and now can hardly be missed. Prime Minister, Indira Gandhi, said in a speech delivered on January 27, 1976⁶⁰,

⁵⁸ **Quraishi, S.Y.** 2016. “[Desirability and Feasibility of Simultaneous Elections](#)”, *India Foundation and Nebru Memorial Museum and Library*, November 26. [http://www.indiafoundation.in/desirability-and-feasibility-of-simultaneous-elections/].

⁵⁹ **Guha, R.** 2007. “*India after Gandhi: The history of the world’s largest democracy*”, *Macmillan*, p-467.

⁶⁰ **Ministry of Information & Broadcasting.** 2012. “[Excerpts from a speech delivered by former PM Late Smt Indira Gandhi](#)”, December 10. [https://www.youtube.com/watch?v=9dbTbdexZpE].

“The world these days is a changing world and if we want to preserve our freedom, if we want to progress, then we have to bring change in our country and have to *do it very fast* and compete with other nations...Competition is not only on the battle field, there is competition for development, there is competition for brain power, there is competition for scientific knowledge, there is competition for technology, there is competition in sports. There is no field in which we do not need to compete with the world. We have to try to ensure that whatever good work has been done, in future it is twice, four times better than what we did in the past...”⁶¹ (Italics added).

Compare the above with a statement of Prime Minister Modi quoted in the NITI Aayog Discussion paper: “*If India is to meet the challenge of change, mere incremental progress is not enough. A metamorphosis is needed....My vision for India is rapid transformation, not gradual evolution*”⁶² (Bold as in the NITI Aayog Discussion paper).

Needless to say, the vision of rapid country-wide development lends itself superbly to the idea of single party governance in the Centre and the States. Indeed, when ruling parties command a strong majority in Parliament, they display a common tendency to want to perpetuate that majority by trying to ensure a similar majority in the States. The Modi-Shah refrain has been to urge voters to elect the same party at the Centre and the States to facilitate uninterrupted development and cash flow. As voter behaviour tendencies cited in this Issue Brief suggest, this objective can be more easily met by holding simultaneous elections to Parliament and State Assemblies.

The Last Word and Conclusions

The last word in this Issue Brief has to go to an opinion piece that appeared in *The Tribune* on March 7, 2018, even as this Issue Brief was nearing completion. The last two paragraphs of that piece deserve to be reproduced in full.

“It is also a bit disturbing to be faced with a slogan like ‘One nation, one poll’. This creates the apprehension that even those with reasoned objections to holding simultaneous elections will be accused of going against the unity of the country. It could, in fact, be healthy for a nation to have not one but many votes via referendums on specific issues. Swiss referendums and standards of governance are both well known.”

“There can also be a clever electoral strategy behind reactivating the issue of holding simultaneous elections. If a party is dominated by a single powerful leader with very few

⁶¹ Transcription and free translation by the author.

⁶² **Modi, N.** 2016. “[My vision for India is rapid transformation, not gradual evolution: PM Narendra Modi](http://www.narendramodi.in/pm-s-speech-on-the-occasion-of-transforming-india-lecture-513478)”, August 26. [http://www.narendramodi.in/pm-s-speech-on-the-occasion-of-transforming-india-lecture-513478].

alternative voices within the party, as is the case with Narendra Modi and the BJP, then a lot of state and local leaders can get carried across the finishing line with the help of votes garnered by the top leader's charisma and not on the strength of their individual merit. Gujarat has already benefited from the Modi charisma and Madhya Pradesh may well need to. This state of affairs does not make for a healthy democracy.”⁶³

Conclusions

The following conclusions flow from the above analysis:

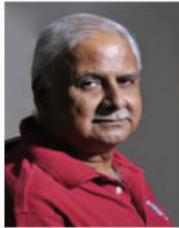
- Attempts to hold elections to Lok Sabha and State Assemblies are not new. These have been around for a long time.
- The idea gains momentum whenever a party feels it is in a dominant position and wishes to perpetuate its hold on the country.
- The slogan “One nation, One election” is misleading because while the discussion is initiated with a stated intention to hold simultaneous elections to all three tiers of governance, the Union, the States, and the Local Bodies, the last tier of Local Bodies is invariably dropped from the discourse.
- The government and its various arms have been quoting from the speeches of high constitutional authorities such as the President of India to gather support for the idea. However, Pranab Mukherjee who recommended simultaneous elections when in office has since resiled from that position, which shows that as President he merely reproduced the views of the government. His personal views are in conflict with that of the government.
- Simultaneous elections to Lok Sabha and State Assemblies are not possible without significant amendments to the Constitution.
- There are serious apprehensions that the advocacy of simultaneous elections is a sleight of hand aimed at changing the ‘federal’ character of the Constitution to a ‘unitary’ structure. The apprehensions arise from the fact that the justifications held out so far, such as lowering of expenses on elections, and improved governance, are found untenable on a deeper examination.

⁶³ Roy, S. 2018. “[Why is BJP singing simultaneous polls song?](http://www.tribuneindia.com/news/comment/why-is-bjp-singing-simultaneous-polls-song/553870.html)”, *The Tribune*, March 7. [http://www.tribuneindia.com/news/comment/why-is-bjp-singing-simultaneous-polls-song/553870.html].

SIMULTANEOUS ELECTIONS:
STRIKING AT THE ROOTS OF PARLIAMENTARY DEMOCRACY

- Such attempts at changing the character of the Constitution will violate the Basic Structure Doctrine -- which has been held to be inviolable by the Supreme Court – and can thus be struck down.

- The optimal course of action, in order to conserve precious national resources that are currently being expended on multiple discussions on holding simultaneous elections, is to give up this attempt, and focus on real issues facing the nation and its people.



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The Hindu Centre for Politics and Public Policy is a division of Kasturi & Sons Ltd., publishers of *The Hindu* and group newspapers. It was inaugurated by the President of India, Pranab Mukherjee on January 31, 2013. The aim of The Hindu Centre is to promote research, dialogue, and discussion to enable the creation of informed public opinion on key issues facing India in order to safeguard, strengthen, and nourish parliamentary democracy and pluralism, and to contribute to the nation's economic, social, and political betterment.

The Hindu Centre has so far supported 31 short term public policy scholars in areas such as parliamentary democracy, freedom of expression, content of school textbooks, financial inclusion, and rural broadband connectivity. The Centre has also organised 24 public events, consultations and public discussions on key issues of national importance, including the creation of the Telangana State, violence against women, pre-election opinion polls, gender-based violence, Right to Education Act, the Sri Lankan Tamils refugees in India, sedition and free speech in India, the politics of welfare in Tamil Nadu, the Union Budget, a discussion on demonetisation and black money in India, a Round Table consultation on 'Public Policy and the Child in Tamil Nadu' in collaboration with UNICEF, and a discussion on the Right to Information Act.

The Hindu Centre also publishes frequent commentaries and analytical articles on current affairs. Its publications and resources can be accessed at www.thehinducentre.com.

Association for Democratic Reforms (ADR) was set up in 1999 with the goal to improve governance and strengthen democracy in India by working in the area of Electoral and Political Reforms. Since the ambit and scope of work in this field is enormous, ADR has chosen to concentrate its efforts in the following areas pertaining to the political system of the country:

- Corruption and criminalisation in the political process
- Empowerment of the electorate through greater dissemination of information relating to the candidates and the parties, for a better and informed choice
- Need for greater accountability of Political Parties
- Need for inner-party democracy and transparency in party-functioning



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