

‘One Nation-One Poll’ and the Quest for Political Hegemony



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The shadow of a polling officer marking the index finger of a woman voter with indelible ink before she casts her vote, inside a polling booth, in Varanasi, India, Wednesday, Feb. 15, 2012. The third phase of the seven-phased elections in Uttar Pradesh, India's most populous and politically crucial state, is being held Wednesday. (AP Photo/Rajesh Kumar Singh) - AP

Simultaneous elections to the State Assemblies and the Lok Sabha is an idea that prioritises convenience over democracy and representation. Its implementation will disturb the critical balance between the States and Union, encourage authoritarian impulses, and vest extraordinary powers in the President. Smita Gupta, Senior Fellow, The Hindu Centre for

Politics and Public Policy, argues that holding all elections at one time will require extensive amendments to the Constitution which carries the risk of damaging its basic structure.

The Bharatiya Janata Party (BJP)-led government at the Centre has, over the last three years, made a forceful case for holding national and State Assembly elections together. Two years running, the subject has even found mention in the official speeches of successive Presidents: Pranab Mukherjee, in his Republic Day-eve ‘Address to the Nation’ in January 2017 ¹, and Ram Nath Kovind, in his speech (<https://www.icloud.com/>) to the joint sitting of the two Houses of Parliament on the first day of the ongoing Budget Session, stressed it was time for all political parties to discuss simultaneous polls and arrive at a consensus ².

Reviving the practice of holding simultaneous elections, as was the practice until 1967, has long been a BJP pet project, flagged first by its veteran leader — and former Deputy Prime Minister — Lal Krishna Advani in 2011. It also found mention in the party’s manifesto for the Lok Sabha elections in 2014. Now Prime Minister Narendra Modi has become the prime mover of this project: he has spoken on the issue on several occasions not just at internal meetings of the BJP but also in Parliament, at public functions such as an event to mark National Law Day last November, and even during the few choreographed interviews ³ he has given select TV channels. To promote the idea further, BJP general secretary Vinay Sahasrabuddhe was drafted to organise a two-day national seminar, entitled ‘One Nation, One Election’ on the campus of the RSS-sponsored think tank Rambhau Mhalgi Prabhodini (that serves as a training and knowledge centre for cadres of the BJP and its affiliates) on the outskirts of Mumbai on January 20-21 earlier this year.

The BJP-led government’s efforts in this matter began in 2015 when Nripendra Misra, Principal Secretary to the Prime Minister, made a phone call to the Election Commission of India (ECI), a few months before Modi raised the issue at a BJP meeting in March that year. A note dated January 28, 2015, signed by the then Chief Election Commissioner H.S. Brahma, said, “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 [Union Territories] 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.”

Brahma went on to say that the ECI should prepare a note in three weeks. This note was eventually shared with the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice which, in its final report submitted in December 2015, also recommended simultaneous elections to the Lok Sabha and the State assemblies. Interestingly, the Standing Committee at the time was headed by E.M. Sudarsana Natchiappan, a Congress member and, at the time, a member of the Rajya Sabha. Thereafter, the Niti Aayog, which issued a Discussion Paper on the subject, also endorsed the idea in 2017.

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The fallacy of high expenditure

The arguments endorsing the holding of national and State elections together are well-known. It will, say its proponents, curtail expenditure on the holding of elections; enhance developmental activities, now being interrupted by frequent elections that require government announcements to be stopped during the pendency of the Model Code of Conduct; and ensure that Ministers, both in the States and at the Centre, focus on governance rather than on campaigning for their respective parties. Simultaneous polls will also save on deployment of security forces — whether it is the local police, paramilitary forces or, in some cases, the army — for the peaceful conduct of elections. This will, in turn, ensure greater attention to maintaining law and order within the country as well as security on the borders.

However, barring the security issue, none of the other arguments has much weight: most of the expenditure incurred during election time is not by the state exchequer but by the political parties themselves, which is one of the largest sources of political

corruption. In the 2014 general elections, one account suggests that as much as Rs 30,000 crores were spent by the political parties. To end this, the government should reform election spending and look into the much-discussed subject of state funding of elections. And, simultaneous elections, as the ECI has already informed the government, will entail large-scale purchase of Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trail (VVPAT) machines that would cost an additional Rs 9,284.15 crores. These machines will have to be replaced every 15 years, entailing yet more expenditure ⁵.

Then, if governance repeatedly takes a backseat during elections, it is because leaders of national parties feel compelled to campaign for State elections, even though that is best left to local leaders. Why, for instance, did the entire Union Cabinet, headed by the Prime Minister, camp in Gujarat during the recent State polls? They would have been better occupied focussing on governance and development work in the rest of the country.

Killing representative democracy

If the arguments for holding simultaneous polls are not as compelling as they sound initially, another set of questions — relating to logistics and the Constitution — is far more important. How do you align national and State elections? Thereafter, how do you ensure that every government lasts its full term so that the pattern of simultaneous polls continues? Will the cost of achieving this make Indian democracy less representative? Will it disturb the delicate balance between the Centre and the States? Will the system become more presidential, favouring parties headed by charismatic leaders? Will it favour the bigger national parties as opposed to their smaller regional counterparts? Will privileging stability over democracy suppress the many different voices in our vast and diverse land?

Publicly — and indeed, even in private conversations — members of the current BJP-led government have not been forthcoming in answering these critical questions. Rather, they have preferred to dwell on how simultaneous polls will improve governance, save money and create stability, and stressed the need to build a consensus on the issue, saying an agreement on the importance of this project will itself produce a solution. Simultaneously, they have sought to project all those

casting doubts on the feasibility of the idea as anti-national, corrupt and opposed to good governance.

Given the nature of Indian polity, and the fact that the two national parties, the BJP and the Congress, have to compete in many States with regional political parties at a time when coalition governments are commonplace, the move to force the holding of simultaneous elections would inevitably kill the representative character of Indian democracy.

It would, inevitably, create more space for authoritarian tendencies to grow, favour national parties and their agendas — that would, by nature of their national character, get greater attention from the media compared with the regional parties. Many of the latter came into being because the Congress was unable to address local aspirations (the BJP was too small at the time to matter); these parties and their electoral dynamics are a major reason why elections that were clubbed together after Independence, gradually got de-linked by the time the fourth general elections were held in 1967.

That year, the Congress returned to power but with a reduced majority. Of greater concern to the party which had led the independence movement and found itself as a pan-India party in power since 1947, however, was the fact that several of the States it ruled slipped out of its hands. The Samyukta Vidhayak Dal governments that replaced the Congress in these States were not very stable and collapsed before completing their terms, necessitating mid-term polls. Indira Gandhi, too, decided to order a snap parliamentary poll in 1971. This led to the decoupling of elections.

Given the impossibility of synchronising all the elections overnight, the BJP leadership's efforts to build public opinion for it has, therefore, led to speculation that the State elections scheduled to be held in Rajasthan, Madhya Pradesh and Chhattisgarh at the end of this year will be aligned with the general elections, either by cutting short the term of the Lok Sabha, or by extending the tenure of the three State governments to mid-2019.

With the BJP plummeting to less than 100 Assembly seats in the recent Gujarat elections, losing three by-polls in Rajasthan and failing to wrest two seats held by the Congress in Madhya Pradesh, the debate within the party was about whether

holding State elections to Rajasthan, Madhya Pradesh and Chhattisgarh, along with the general elections, would help it retain these three States where its hold appeared to be weakening. With some pre-poll surveys showing that voter dissatisfaction with the BJP was progressively growing, it was felt that it might make political sense to hold the general elections at the end of 2018.

However, the BJP still has vivid memories of the general elections in 2004 when the erstwhile BJP-led NDA government had cut short the tenure of the Lok Sabha — and lost. If it is serious now about moving towards its goal of “One Nation, One Poll”, it could hold the general elections on time in May 2019 while extending the tenure of the three State Assemblies that are scheduled to go the polls in end-2018. In this, the BJP leadership would not face any opposition from these three State governments currently led by the BJP, as they would get an extended period of governance, albeit under the cloud of constitutional propriety. But since the law mandates that if elections to a State Assembly are to be held after the expiry of its term, Article 356 would have to be invoked for the President’s Rule that would follow, and this would require Parliamentary approval that may not be forthcoming. However, if the BJP is able to push these three State elections to May 2019, then they would also be aligned with four other States where elections are due at that time — Andhra Pradesh, Telangana, Odisha and Arunachal Pradesh.

Now, the BJP’s stunning success in the North East, especially in Tripura, where the pre-poll alliance has won a majority will certainly be a key factor in whatever decision it takes on when and how to hold all these elections.

Tampering with popular mandates

Clearly, while the BJP’s immediate goal is to win as many elections in the near future as possible, it would also like to use its stint in power to tinker with the Constitution to help it in the long term. Indeed, in a recent private conversation, a very senior organisational leader said the BJP’s long-term goal is to be able to hold all elections together by 2024. How does the government propose to do that?

Part of the answer — though not a perfect one — is to be found in the Discussion Paper issued by the Niti Aayog in 2015⁶. It concedes that “it would be nearly impossible to implement simultaneous elections to the Lok Sabha and all State

Assemblies at one go from April – May 2019”. To do that, for instance, the tenures of the State Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Puducherry would need to be curtailed by 24 months, while those of Goa, Manipur, Punjab, Uttar Pradesh, [and] Uttarakhand would need to be extended by more than two years.”

Striking a note of caution that such significant extensions/curtailment are “clearly undesirable”, the paper concedes that it “would be almost impossible to implement simultaneous elections in its ‘literal sense’— elections to all State Assemblies and Lok Sabha together”. Therefore, it suggests “a phase-wise synchronisation”, holding half the State polls along with the general elections and the other half, mid-term, “instead of a one-shot mechanism”. It gives credit for the two phase approach idea to the Report of the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice that had made the suggestion in its 79th report.

Building on this idea, the NITI Aayog paper suggests that the first phase be synchronised with the next general elections in April- May 2019 and the second phase, mid-way through the term of the next Lok Sabha, 30 months after the first phase, around October-November 2021. Thereafter, it says, elections can be held every 30 months in the country. The paper includes Jammu and Kashmir but acknowledges that “given that the tenure of State Assembly is six years, it will need to be treated separately in subsequent cycles”. This two-phase election cycle would mean that some State Assemblies would have their tenures curtailed by as many as 15 months and some extended by as many as nine months.

Desire for more power

The paper then addresses the key issue of how simultaneous elections can be sustained over the longer term, given that it would only be a matter of time before the electoral cycle gets disturbed when a ruling party or coalition loses its majority during its five-year tenure, whether at the Centre or in the States. It now picks up a recommendation that had been made by the ECI in the context of all elections being held together, not in two phases. The paper tries to modify that proposal — a rather dangerous one for democracy — but not very convincingly.

It says that in order to avoid premature dissolution of any House, any 'no-confidence motion' moved against the government in office should be accompanied by a further

'confidence motion' in favour of a government to be headed by a named individual as the future Prime Minister and voting should take place for the two motions together. However, if the dissolution of the Lok Sabha cannot be avoided, then for the remainder of the term of the Lok Sabha is not long (period to be specified), the President could carry out the administration of the country, on the aid and advice of his Council of Ministers to be appointed by him till the next House is constituted at the prescribed time. If the remainder of the term is long (period to be specified), then fresh elections may be held but the term of the House should be for the rest of what would have been the original term. Similar recommendations have been made for State Assemblies. It also suggests two windows of one-and-a-half months each for holding all by-elections that become due in a particular year.

Even as there has been a reluctance by the BJP leadership to spell out its plan to operationalise simultaneous elections, Modi (in an interview) and others in the BJP, have publicly spoken of shortening the tenure of a House to fit the election cycle in case dissolution becomes inevitable.

These recommendations made in the interest of maintaining the election cycle have invited a great deal of criticism as it would “tinker with the basic structure of the Constitution, alter the balance of Centre-State relations, further centralise powers, give more powers to the President and thereby modify the Indian parliamentary system for the worse ⁷.”

Articles 83(2) and 172(1) of the Constitution, that relate to the terms of the Lok Sabha and State assemblies, for instance, would have to be amended to allow for curtailing/extending the terms of the legislature. Articles 75(3) and 164(2) which outline, respectively, the responsibilities of the council of ministers at the Centre and in the States towards the legislature, would need to be amended to give the President more powers. And, a fresh look will have to be taken at Article 356 which relates to the powers to impose President's rule in the States.

In its judgment in *S. R. Bommai vs. Union of India* (AIR 1994 SC 1918) on Article 356, the Supreme Court placed curbs on the Union government's powers to impose central rule on States: it said that majority tests must take place on the floor of the House, rather than be decided by the governor, often a creature of the Centre. So, if

the life of a State government depends on the ruling party/coalition's majority, Articles 356 (4) and (5) ensure that direct rule by the Centre cannot exceed two consecutive terms of six months. These limits will now have to be removed. The amendments needed of Article 356, point out, will turn the clock back from the federalism that the Supreme Court protected through its judgment ⁸. But the Niti Aayog Discussion Paper disingenuously claims the Supreme Court judgment in the *Bommai* case would help "ensure that legislatures remain stable and that they are rarely dissolved pre-maturely".

The government's plans will adversely affect the delicate balance between the Centre and the States, and increase the powers of the President far beyond those laid down in the Constitution. As Reddy and Ananth emphasise:

"The apex court, first in the Keshavnanda Bharati case (where the Basic Structure doctrine was enunciated) and subsequently in the Bommai case, had laid down that federalism was a part of this Basic Structure. If the changes that need to be made to the Constitution to put in place synchronised polls do not play with the Basic Structure, what else will qualify as doing so?" ... "Is the aim really not 'simultaneous elections', but a centralisation of power?"

The BJP may talk of co-operative federalism but its track record, for instance, in forcing Governors to topple State governments that were subsequently restored by the Supreme Court as in the case of the then Congress-led governments in Uttarakhand and Arunachal Pradesh in 2016 ⁹, and its belief system that advocates homogenisation of the population, would suggest that the present push towards holding all elections together is motivated by a desire for more power in the name of good governance.

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