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SIMULTANEOUS ELECTIONS

ELECTIONS IN INDIA – SCALE OF OPERATION

In a country as huge and diverse as India, elections to the popular House of Parliament and the Legislative Assemblies of States are events involving political mobilization and organizational complexities of an amazing scale. These elections are direct, carried out using the first-past-the-post electoral system and are decided on the basis of a simple majority vote.

It is a challenging task to ensure credible elections. As holding free and fair elections is a *sine qua non* of democracy, it becomes imperative that elections are managed in such a manner that ensures more representative Parliament/State Legislative Assemblies with participation in large numbers.

Finding a time period when such elections can be conducted is not easy. The Election Commission, which decides the schedule for elections, has to take into account the weather conditions – during winter season, the constituencies may be snow-bound and during the monsoon, access to remote areas may be difficult and restricted; the agricultural cycle so that the planting or harvesting of crops is not disrupted; the exam schedules—as schools are used as polling stations and teachers are deployed for election duties; religious festivals and public holidays, etc. On top of this, there are the logistical difficulties that go with holding such elections - sending out ballot boxes or EVMs, setting up polling booths, recruiting officials to oversee the elections, etc. For example, conduct of General Elections in India for constituting the popular House of Parliament (Lok Sabha) involves management of the largest event in the world with an electorate of nearly 700 million electors in about 7,00,000 polling stations spread across widely varying geographic and climatic zones. There are polling stations located in the snow-clad mountains in the Himalayas, the deserts of Rajasthan and in sparsely populated islands in the Indian Ocean. The Election Commission has to employ more than 4 million people to conduct a General

Election. Apart from this, a vast number of civilian and police personnel and security forces have to be deployed to ensure that the elections are conducted peacefully and in a free and fair manner.

FREQUENT ELECTION CYCLE AND DESIRABILITY OF HOLDING SIMULTANEOUS ELECTIONS

It won't be incorrect to state that the Indian polity is perennially in an election mode. As of now, barring a few exceptional years within the normal 5 year tenure of the Lok Sabha, on an average, elections to about 5-7 State Assemblies are held every year. For example, elections to constitute the 16th Lok Sabha were held over the period March 2014 - May 2014. For instance, besides Lok Sabha elections in 2014, polls to about 15 State Assemblies were held during March 2014-May 2016. In 2017, apart from the Presidential and Vice-Presidential elections, elections were held in 7 States. In 2018, elections to four States have been held and in four States they are scheduled to take place.

There have been instances, when elections to State Assemblies are announced within a month of concluding elections to other State Assemblies. Add elections to the third tier of Government (Panchayati Raj institutions/Municipal bodies in rural and urban areas), bye-elections etc., and the number of elections in any given year would increase substantially. Such frequent electoral cycles not only have financial and other resource implications, but also hamper administrative and developmental activities in States as well as the country and distress the governance process in general. Governments and political parties remain in never-ending campaign mode and electoral compulsions dominate the focus.

The option of simultaneous elections is being considered at various levels. Holding simultaneous elections ideally implies that elections to all the three tiers of constitutional institutions are held in a synchronized and coordinated fashion. What this

effectively means is that a voter casts his vote for electing members for all tiers of the Government on a single day. Critics, however, argue that holding concurrent elections to all tiers of governance is untenable and practically impossible. The third tier institutions, namely municipalities and panchayats, are primarily a State subject as per the Constitution of India. Considering the facts that elections to the third tier institutions are directed and controlled by the State Election Commissions and their numbers in the country are significantly large, it would be impractical and impossible to synchronize and align election schedules to the third tier with that of Lok Sabha and State Assembly elections. That being the case, the feasibility of conducting simultaneous elections for the Lok Sabha and Vidhan Sabhas is being given a serious thinking.

Some argue that simultaneous elections will not only keep alive the enthusiasm of voters, but also result in huge savings to the public exchequer. The exercise, it is perceived, will also avoid repetitive administrative engagement. It has also been felt that simultaneous elections would control the expenses of political parties and avoid repeated enforcement of the Model Code of Conduct which affects the developmental and welfare activities by the Government.

Box-1

HISTORY OF SIMULTANEOUS ELECTIONS

The concept of simultaneous elections is, in fact, not new to the country. Post adoption of the Constitution of India, the First General Elections to the Lok Sabha (House of the People) and all Vidhan Sabhas (State Legislative Assemblies) were held simultaneously in 1951-52. This practice continued in three subsequent General Elections held in the years - 1957, 1962 and 1967. However, due to premature dissolution of some State Legislative Assemblies in 1968 and 1969, the cycle of synchronized elections got disrupted. In 1970, the Lok Sabha itself was dissolved prematurely and fresh elections were held in 1971. The term of the Fifth Lok Sabha was extended till 1977 under Article 352. After that, Sixth, Seventh, Ninth, Eleventh, Twelfth and Thirteenth Lok Sabhas were dissolved prematurely. Only the Eighth, Tenth, Fourteenth and Fifteenth Lok Sabhas could complete their full five year terms. Various State Assemblies also faced similar situation over a period of time. Thus, since 1967 elections, the practice of simultaneous elections to the Lok Sabha and the Vidhan Sabhas could not be maintained and the elections have still not been realigned.

SIMULTANEOUS ELECTIONS AND RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

Election timings for a Legislature (Lok Sabha/State Assemblies) is determined by its term as per constitutional and statutory provisions dealing with aspects of

constitution, dissolution and expiration of such Legislatures. Constitutional provisions relevant to the issue of simultaneous elections are:

(a) Term of Lok Sabha and State Legislative Assemblies

Article 83 of the Constitution of India provides for the tenure of both Houses of the Parliament (Lok Sabha and Rajya Sabha). Article 83(2) states that the House of the People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House. Under article 172(1), identical provisions have been laid for a State Legislative Assembly.

The proviso to article 83(2) of the Constitution provides that the said period of five years may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate. Similar provision has been made for a State Legislative Assembly under the proviso to article 172(1) of the Constitution.

The above provisions effectively mean that the tenure of the House of the People/State Legislative Assembly cannot be extended beyond 5 years except in emergency but it can be prematurely dissolved before expiration of its tenure.

It may also be mentioned here that the *Representation of People Act, 1951* provides the statutory basis for Election Commission of India (ECI) to conduct elections in the country. Under Sections 14 and 15 of the Act, ECI is empowered to notify elections to both Lok Sabha and State Legislative Assemblies six months prior to the end of normal terms of these Houses. Section 14 of the Act provides for the notification for General Elections to the Lok Sabha. The proviso to the Section 14 (2) states: “..Provided that where a general election is held otherwise than on the dissolution of the existing House of the People, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of the House would expire under the provisions of clause (2) of article 83”. Section 15 (2) of the Act provides a similar provision for State legislatures.

This provision may be used to hold elections without extension of terms of some Assemblies.

(b) Pre-mature Dissolution of Lok Sabha or State Legislative Assemblies

Article 85(2)(b) of the Constitution of India provides that the President may from time to time dissolve the House of the People. A similar provision for premature dissolution of the State Legislative Assembly exists in article 174(2)(b), wherein the Governor of the State may dissolve the State Legislative Assembly before the expiration of its normal term.

Further, in respect of a State Legislative Assembly, article 356 is also relevant. In the event of a State being under President's Rule due to failure of constitutional machinery, the Legislative Assembly of the said State may be prematurely dissolved by the President. In the past, there have been several cases of proclamation of President's Rule in States under article 356 leading to premature dissolution of State Assemblies. It has been used for more than one hundred times since commencement of the Constitution.

However, premature dissolution of State Assemblies has been made significantly stringent in the light of Anti-Defection Act, 1985 and the judgment by the Constitutional Bench of Supreme Court of India in *S.R. Bommai Vs. Union of India*. It is used as a last resort where proclamation of the same is inevitable.

Box-2

S.R. BOMMAI VS. UNION OF INDIA (AIR 1994 SC 1918)

It was held that the power under article 356 should be used very sparingly and only when President is fully satisfied that a situation has arisen where the Government of the State cannot be carried on in accordance with the provisions of the Constitution. Otherwise, the frequent use of this power and its exercise are likely to disturb the Constitutional balance. Having regard to the constitutional scheme obtaining under our Constitution, the recommendations of the Sarkaria Commission do merit serious consideration. The Commission which was appointed to look into and report on Centre-State relations considered *inter alia* the manner in which the power has been exercised over the years and made certain recommendations designed to prevent its misuse. Since the Commission was headed by a distinguished Judge of this Court and also because it made its report after an elaborate and exhaustive study of all relevant aspects, its opinions are certainly entitled to great weight notwithstanding the fact that the report has not been accepted so far by the Government of India.

The Constitutional Bench of nine judges of the apex Court in the case while interpreting import and ambit of the expressions – “the Government of the State cannot be carried on in accordance with the provisions of this Constitution” under article 356 has laid down certain guidelines circumscribing the conditions for proclamation of President's Rule by the Union Government. That judgment has *inter alia* laid down that (i) the dissolution of a State Legislative Assembly by the President of India is subject to approval of both Houses of Parliament; and (ii) the validity of proclamation of President's Rule is subject to judicial review. In effect, the President can put a Legislative Assembly in suspended animation but cannot dissolve it without concurrence of both the Houses of Parliament. The Judiciary can examine validity of

such proclamation and restore the dismissed State Government and revive a dissolved Legislative Assembly if article 356 is found to be *mala fide* in its use. These two guidelines/instruments have strengthened the federal structure of our polity by striking proper constitutional equilibrium between the Union and the State Governments.

(c) Collective Responsibility of Council of Ministers and No-confidence Motion

As per article 75(3) of the Constitution, the Council of Ministers shall be collectively responsible to the House of the People. At the level of States too, article 164(2) provides for a similar responsibility of the Council of Ministers to the State Legislative Assembly. The Executive, therefore, derives its legitimacy from the Legislature and remains in power as long as it enjoys the confidence of the latter. A No-confidence Motion can be passed if either the Lok Sabha or the State Legislative Assembly loses confidence in the Council of Ministers. With the passage of a No-confidence Motion in that House, the Government can fall any time. What the above provisions imply is that the fall of an elected Government cannot be predicted.

SIMULTANEOUS ELECTIONS: SUGGESTIONS AND RECOMMENDATIONS

One Hundred Seventieth Report of Law Commission of India

The Law Commission of India headed by the Honourable former Justice B.P. Jeevan Reddy in its One Hundred Seventieth Report on Reform of Electoral Laws (1999) had suggested simultaneous elections to the Lok Sabha and the State Legislative Assemblies with a view to ensure stability in governance. The relevant portions of the said Report are as below:—

“..... This cycle of elections every year, and in the out of season, should be put an end to. We must go back to the situation where the elections to the Lok Sabha and all the Legislative Assemblies are held at once. It is true that we cannot conceive or provide for all the situations and eventualities that may arise whether on account of the use of Article 356 (which of course has come down substantially after the decision of Supreme Court in *S.R. Bommai vs. Union of India*) or for other reasons, yet the holding of a separate election to a Legislative Assembly should be an exception and not the rule. The rule ought to be one election once in five years for the Lok Sabha and all the Legislative Assemblies”.
(Para 7.2.1.1 of LCI's 170th Report)

While concluding its findings, the Law Commission admitted that the desired goal of one election in every five years cannot be achieved overnight in the prevailing circumstances. It has to be achieved in stages. The Commission had *inter alia* suggested:—

- Advancing the elections of some Legislative Assemblies by making necessary orders so that it can be held with the election of the Lok Sabha;

- The elections to other Legislative Assemblies may be held by making similar adjustments in phases with a view to reducing its frequency until the desired goal of one election for the Lok Sabha and to all the Legislative Assemblies simultaneously is achieved;
- If all the political parties co-operate, the necessary steps can be taken without hurting the interest of any political party;
- May be, a constitutional amendment can solve the problem. Such an amendment can also provide for extending or curtailing the term of one or more Legislative Assemblies, say for six months or so wherever it is necessary to achieve the said goal;
- If feasible, more appropriate solution may be to hold elections to Lok Sabha/Legislative Assemblies simultaneously but to withhold the results of elections till after the expiry of term of the Legislative Assembly concerned – the interval not exceeding six months.

The Law Commission also suggested simultaneous motion of no-confidence in the incumbent Government as well as confidence in alternative Government by introducing Rule 198A in the Rules of Procedure and Conduct of Business in the Lok Sabha to eliminate the need for mid-term election and to ensure stability of Government. The relevant paras of the Law Commission of India Report are as under:–

“.....We also recommend that the Hon’ble Speaker of the Lok Sabha may introduce a new rule, Rule 198A, in the Rules of Procedure and Conduct of Business in the Lok Sabha to the following effect:–

- Rule 198-A: (1) Once a no-confidence motion is taken up for discussion and voted upon as contemplated by sub-rules (3) and (4) of Rule 198, no fresh motion expressing want of confidence in the Council of Ministers shall be permitted to be made for a period of two years from the date of voting upon such motion.
- (2) Once a motion expressing confidence in the Council of Ministers is made pursuant to the direction of the President, no motion expressing want of confidence in such Council of Ministers shall be permitted to be moved for a period of two years.
- (3) No leave shall be granted under Rule 198 to a motion expressing want of confidence in the Council of Ministers, unless it is accompanied by a motion expressing confidence in a named individual.” (Para 9.27 of LCI’s 170th Report)

Both the motions shall be considered and discussed simultaneously and voted upon. Each member shall have two votes. Unless the motion expressing confidence in a named individual is passed by a majority, the result of

the voting upon the motion expressing want of confidence in the Council of Ministers shall not be given effect to, even when it is passed by a majority.

Similar amendments may also be made by the Speakers of Legislative Assemblies in the respective Rules of Procedure governing the proceedings in their Legislative Assemblies (Para 9.27 of LCI’s 170th Report)

Seventy-Ninth Report of the Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, Rajya Sabha

The Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, in its 79th Report took up the issue of simultaneous elections. The Committee, presented its Report *Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies* in the Rajya Sabha on 17 December 2015 and laid it on the table of the Lok Sabha the same day. In the Report, the Committee examined the feasibility of holding simultaneous elections to the Lok Sabha and the State Legislative Assemblies. The Committee also took note of the One Hundred Seventieth Report of the Law Commission of India on ‘Reform of the Electoral Laws’ (1999). The Committee, in its Report *inter alia* made the following recommendations:–

- Holding simultaneous elections in two phases with elections of some Assemblies at midterm of the Lok Sabha and the remaining with the end of the tenure of the Lok Sabha. Under Sections 14 and 15 of the Representation of People Act, 1951, the Election Commission can notify the elections to the Lok Sabha and the State Legislative Assemblies six months prior to the end of their natural terms. This provision may be used to hold elections without extension of terms of some Assemblies.
- The Committee while taking note of the provisions of the Fixed Term Parliaments Act, 2011 of the United Kingdom, recommended that early election to the Lok Sabha and the State Legislative Assemblies can only be held prior to expiration of their tenure, where either of the two conditions are met:
 - if a motion for an early General Election is agreed either by at least two-thirds of the whole House (including vacant seats); or
 - if motion of “No-confidence” is passed and no alternative Government is confirmed by the Lok Sabha/State Legislative Assemblies within fourteen days by means of a confidence motion.
- By-elections to all seats falling vacant in a particular year may be conducted together on a pre-determined date/time frame.
- The report of the Committee has sought to open up debate on this important issue and to try and establish national consensus to avoid frequent elections.

The general elections to the Lok Sabha and the State Legislative Assemblies cannot be synchronized without amendment to the provisions of articles 83, 85, 172, 174 and 356 of the Constitution so as to provide that the term of the Lok Sabha and the Legislative Assemblies may coincide. Also situations may arise, from time to time, where the five year term of the Lok Sabha may have to be either curtailed or extended. The same would be the situation in relation to the State Legislative Assemblies. The proposal for simultaneous elections, however, would involve having fixed term for the Union and the State Legislative Assemblies. The Election Commission of India has examined and suggested the following for the conduct of simultaneous elections:

1. “.....Some options that may be considered could be to amend the Constitutional provisions to the following effect:

- The term of the Lok Sabha would normally commence and expire on a particular date (and not on the date on which it completes five years from the date of its first sitting).
- The period for general election to constitute the new House to be so determined that the Lok Sabha could commence its term on the pre-determined case.
- In order to avoid premature dissolution, it may be provided that any ‘no-confidence motion’ moved against the government in office should also necessarily include 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.”

2. In spite of the above arrangement, if there is a situation where dissolution of the Lok Sabha cannot be avoided, then the following options can be considered:

- If a remainder of the term of the Lok Sabha is not long (period to be specified), there could be a provision for the President to carry out the administration of the country on the aid and advice of the Council of Ministers till the time the next House is constituted.
- If the remainder of the term is long (period to be specified), then fresh elections may be conducted and the term of the House in such cases should be for the rest of what would have been the original term.

3. The terms of all State Legislative Assemblies should also normally come to an end on the date on which term of the Lok Sabha is expiring. That may also mean, to begin with as one time measure, that the term for the existing Legislative Assemblies will have to be either extended beyond five years or curtailed so that fresh elections can be held simultaneously with the Lok Sabha elections.

4. In the case of a Legislative Assembly also, in the event of a ‘no-confidence motion’, it should be mandatory to simultaneously move a ‘confidence motion’ for formation of an alternative government. This will, in normal course, eliminate cases of premature dissolution of Assemblies. If for any unavoidable reason, any existing Legislative Assembly has to be dissolved prematurely, there should be a provision for the Governor to carry out the administration of the State, on the aid and advice of the Council of Ministers or for the imposition of the President’s Rule, till period of expiry of term.

5. If, following a general election, none of the parties is able to form a government and another general election becomes necessary, the term of the House in such case after the fresh election should be only for the remainder of what would have been the original term. Similarly, if the government has to resign for some reason and an alternative is not possible, then provision can be considered for a fresh election if the remainder of the term is a comparatively longer period (to be specified) and in other cases, rule by the Governor or President’s Rule as suggested above could be considered.

6. Two windows of one-and-a-half months each may be fixed for holding all bye-elections that become due in a particular year.

7. Furthermore, an alternative proposal would be to consider provisions to have all elections falling due in a year together in a particular period of the year. In this arrangement, the advantage would be that the general elections to various Legislative Assemblies falling due in a year will be held together and not at different periods in the year. In the year in which the Lok Sabha election is due, all Assembly elections of that year may also be held. This arrangement will also require the amendments discussed above as well as extension or curtailment of the term of some of the Houses as a one-time measure.

PARLIAMENT AND THE ISSUE OF SIMULTANEOUS ELECTIONS

The Parliament of India and its Members have been steadfast in taking up issues which are contemporary, rake the mind of the people and evolve our democracy to cope up with the changes necessitated by time and circumstances. The Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice of the Rajya Sabha had in its 79th Report explored the “Feasibility of Holding Simultaneous Elections to the House of the People (Lok Sabha) and State Legislative Assemblies”. Members of Parliament too in both the Houses, by asking questions to the Government, have time and again taken up the issue of simultaneous elections. The Government on its part has provided measures it has taken in relation to the issue and also explored the feasibility of holding/not holding

simultaneous elections. For instance, in a question asked to the Government on 7 February 2018 (Unstarred Question No. 814), the Government had responded in Lok Sabha that “the NITI Aayog in a paper titled “Analysis of Simultaneous Elections” has worked out a possible framework whereby elections to the Lok Sabha and the State Assemblies could be held simultaneously in two phases. The paper envisages holding simultaneous elections to the Assemblies of about one half of the States along with Lok Sabha General Elections due in April-May 2019 and the rest of the States in the mid-way, *i.e.* October-November 2021, entailing extension or curtailment of the duration of the Assemblies wherever required. However, this would require amendments to the relevant provisions of the Constitution. The Government has not taken any decision on these recommendations.”

The Speaker’s Research Initiative (SRI) of the Lok Sabha Secretariat had organized a workshop in the

Parliament House Complex on 2 January 2018 on “Simultaneous Elections”, wherein a lecture had been delivered by Justice (retd.) Shri V.S. Kokje. Justice (retd.) Shri Kokje, addressing a gathering of Members of Parliament, pointed out that “...when an assembly reaches a point where the Government cannot be run smoothly because no party is in majority, no coalition can be formed and no minority Government gets support from outside, in such a situation, our Constitution provides for dissolution of the House. Once the House is dissolved, it cannot be kept hanging till the next general elections take place. So, an election has to be held within a reasonable time so that people get the representatives to govern them. Because of this, we had the problem of elections all the time”. He further observed that the Election Commission of India, the NITI Aayog and the Joint Parliamentary Committee were in favour of having simultaneous elections.

Box-3

OPINIONS OF SOME POLITICAL PARTIES*±

Sl.No.	Party	Views
1.	All India Anna Dravida Munnetra Kazhagam (AIADMK)	Supported the idea in principle with few considerations and deeper discussions.
2.	Asom Gana Parishad (AGP)	Supported the idea as it would reduce the financial burden on smaller parties and taper the time period for which the Model Code of Conduct (MCC) is applied to the States that often leads to policy paralysis and slows down the implementation of developmental programmes.
3.	Indian Union Muslim League (IUML)	Supported the idea as it would lead to significant saving in time, energy and resources of the country.
4.	Desiya Murpokku Dravida Kazhagam (DMDK)	Supported the idea with some suggestions for the implementation of the idea of simultaneous elections: if a Government is formed after premature dissolution, its term should be fixed for the remaining period only.
5.	Shiromani Akali Dal (SAD)	Supported the idea after pointing out issues such as clarity on possible actions when there is a hung assembly.
6.	All India Majlis-E-Itehadul Muslimeen (AIMIM)	Rejected the proposition by pointing to the little feasibility that exists considering the current complex political scenario in the country as even amending certain Articles of the Constitution would not be enough to ensure simultaneous polls.
7.	All India Trinamool Congress (ATC)	Rejected the idea stating that the postponement of elections is anti-democratic and unconstitutional as Constitution provides tenure of five years for the Lok Sabha and Assemblies. The party, however, supports holding of simultaneous elections to Panchayats and Municipal bodies.
8.	Communist Party of India (CPI)	Rejected the idea by calling it unscientific and impracticable. The proposal looks ideal, but there are many practical problems such as midterm polls in States due to political instability, terms of such Legislative Assemblies cannot be reduced, etc. In the present situation, it is not feasible to conduct elections to both the Houses at one go.
9.	Indian National Congress (INC)	Rejected the idea by calling it impracticable and unworkable. It can lead to a scenario where the necessary balance in Indian democracy given the diversity of the country is lost.
10.	Nationalist Congress Party (NCP)	Rejected the proposition by calling it not feasible.

*79th Report of Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, Rajya Sabha.

±The Law Commission had recently held consultations with Political Parties on simultaneous polls (UNI release dated 7th July, 2018).

Speaking on the occasion and favouring simultaneous elections, member of Biju Janata Dal (BJD), Shri Kalikesh N. Singh Deo, said that the biggest problem in this entire concept is the issue of No-confidence Motions or the loss of the confidence by the legislature on the executive. The No-confidence Motion is one of the biggest tools that the legislature has of controlling or working with executive. However, when you have a fixed tenure of a Government, you are actually weakening the individual State legislator or the Parliamentarian from acting on behalf of their voters.....If we can solve this problem in a manner which satisfies everyone, we can actually have it.

Smt. Bijoya Chakravarty, member of Bharatiya Janata Party (BJP), highlighted that elections have become very expensive these days and it is also time consuming. But if the Constitution is amended to have simultaneous elections, it will be nice and good.

Shri Jayadev Galla, belonging to the Telugu Desam Party (TDP), questioned the necessity of holding simultaneous elections. He mentioned that in the

simultaneous election, the State representation and the Central representation would be almost similar. So, in the case of checks and balances, without having a mid-term check and with Rajya Sabha and Lok Sabha being almost a mirror of themselves, is it strengthening democracy?

Shri Thangso Baite, member, Indian National Congress (INC), highlighted some aspects of holding simultaneous elections in the North Eastern States. He said that simultaneous elections will be very good for small States like North Eastern States. In case of simultaneous elections, he proposed that Constitutional amendment is a must. Secondly, some portions of the Representation of People Act should also be amended. Likewise, the term of some Assemblies may not be the same.

Smt. Poornima Advani, another speaker at the Workshop pointed out that “basically and fundamentally, simultaneous election has got its benefit. There are difficulties which have to be overcome.....Federalism has to be respected and the will of the people has to be respected”.

Box-4

MAJOR ISSUES IN CONDUCTING SIMULTANEOUS ELECTIONS: SUMMING UP

- The move would require bringing amendments in not less than five articles of Constitution, namely, article 83 relating to duration of Houses of Parliament, article 85 relating to dissolution of the House of the People by the President, article 172 relating to duration of the State Legislatures, article 174 relating to dissolution of the State Legislatures and article 356 relating to the imposition of President’s Rule in the States.
- As a prerequisite, consensus of all political parties on the issue would be required.
- With regard to the federal structure of governance, it is imperative that consensus of all the State Governments is also obtained.
- The proposed curtailment or extension of the tenure of the legislatures for synchronising the elections also needs to be examined in light of the basic structure doctrine.
- The exercise would require additional EVMs/VVPATs. At present, there are approx. 10,00,000 Polling Stations in the country. In case of simultaneous elections, two sets of EVMs would be needed per polling station. As per the past experience, a minimum of 40 per cent of Balloting Units (BUs) and 20 per cent of Control Units (CUs) are required to be kept as reserve. Therefore, the minimum requirement of EVMs for the simultaneous elections will be 28,00,000 BUs and 24,00,000 CUs. Further, Price Fixation Committee of EVMs has fixed the tentative cost of EVMs (Post-2013) @ ₹ 8000/- per BU and ₹ 9500/- per CU. Therefore, the tentative expenditure on procurement of EVMs will be ₹ 3570.90 crore (Three Thousand Five Hundred Seventy Crore and Ninety Lakh).
- If VVPAT system is used throughout the country, the requirement of VVPAT will also be double for the simultaneous elections. The tentative requirement of the VVPAT will be 25,00,000 units (taking 25 per cent reserve for approx. 10,00,000 polling stations). Price Fixation Committee of EVMs has fixed the tentative cost of VVPAT @ ₹ 22853/- per unit. Therefore, the total expenditure for procurement of 25,00,000 units of VVPAT will be ₹ 5713.25 crore (Five Thousand Seven Hundred Thirteen Crore and Twenty Five Lakh).
- Thus, a total of ₹ 9284.15 crore (Nine Thousand Two Hundred Eighty Four Crore and Fifteen Lakh) will be required for procurement of EVMs and VVPATs to meet the requirement for simultaneous elections.
- Considering that life of a machine is only fifteen years, this would imply that machine would be used for about three or four times in its life span, entailing huge expenditure in its replacement after every fifteen years.
- The requirement of Warehouses for storage of EVMs will also be double. A number of States/UTs are facing problem of warehousing space for storage of EVMs and in many cases EVMs are kept in private buildings and educational institutions.
- Requirement of additional polling personnel and security forces [Central Armed Police Force (CAPF)] would strain the State machinery.

SUMMING UP

There are many compelling reasons in favour of simultaneous elections. Suspension of development programs, welfare activities due to frequent imposition of Model Code of Conduct, massive expenditures by Government and various stakeholders on frequent elections, black money, engagement of Government personnel and security forces for a prolonged period of time, perpetuation of caste, religion and communal issues, etc. The impact of frequent elections on governance and policy making is perhaps the most significant. Frequent elections compel Governments and political parties to remain in perpetual “campaigning” mode, thereby impacting the focus of policy making. Short-sighted populist and “politically safe” measures are accorded higher priority over “difficult” structural reforms which may be more beneficial to the public from a longer term perspective. This leads to sub-optimal governance and adversely impacts the design and delivery of public policies and developmental measures.

The Hon’ble President of India and the Hon’ble Prime Minister have time and again strongly pitched their support for holding simultaneous elections at public forums. Hon’ble Prime Minister has pointed out that a continuous cycle of elections across the country harms developmental works due to enforcement of the Model Code of Conduct, besides incurring a huge cost. Hon’ble Prime Minister has also asked the leaders to start debating the matter and help create a positive atmosphere in favour of the proposal.

In his Address to the Joint Sitting of the two Houses of the Parliament on 29 January 2018, the Hon’ble President of India, Shri Ram Nath Kovind had said that *“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”*. On an earlier occasion, the former President of India, Shri Pranab Mukherjee as well had observed that *“With some election or the other throughout the year, normal activities of the government come to a stand-still because of code of conduct. This is an idea the political leadership should think of. If political parties collectively think, we can change it.... The Election Commission can also put in their idea and efforts on holding the polls together and that will be highly beneficial”*.

A focused group of stakeholders comprising Constitution and subject matter experts, think tanks, government officials and representatives of various political parties need to come together and work out appropriate implementation related details. This may include appropriate Constitution and statutory amendments, agreeing on a workable framework to facilitate transition to simultaneous elections, developing a stakeholder communication plan, etc.

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1. Notes/Inputs provided by the Election Commission of India.
2. Government of India, Ministry of Law and Justice, Notes/Inputs provided by the Ministry.
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