

Out Of My Mind: All together now

The question of simultaneous elections has come up again. No matter how many people dismiss it, it will not go away. The Prime Minister has reiterated it, as has the President. They have invited our thoughts. Here goes.

The difficulties are well-known. We follow the British system. A government holds office as long as it enjoys the confidence of the elected chamber. If it loses that confidence and the Opposition cannot form another government which can win confidence, then new elections have to be held. Given our federal structure, the idea of holding elections simultaneously in the 29 states plus the Centre is impossible as of now. Some Constitutional amendments will be required.

In the UK, the Fixed Term Parliament Act (FTPA) was passed during the coalition government of 2010-15. The Liberal Democrats, who were the minority partner, were worried that the Conservatives may ditch them mid-term and dissolve Parliament to emerge as a single party majority in the new election. They insisted as part of the Coalition pact that Parliament be for a fixed term of five years. (Between 1945 and 2010, a British government had ruled for full five years only five times.) The Act made removing a government mid-term difficult by setting a high threshold for a no-confidence motion to be passed as well as for the prime minister to dissolve parliament. The Act was not made applicable to the devolved parliaments since the UK is not a federation. There has also been a long-standing radical demand that the power of the prime minister to dissolve parliament is derived from the Royal Prerogative and is unsuitable for modern times. It is parliament, not the prime minister, who should be sovereign.

In fact, the FTPA has not been binding. Last year, Theresa May was able to dissolve Parliament two years into the new term without any opposition. But the restriction could be useful in India. It makes frivolous no-confidence motions or dissolution of Parliament difficult. Governments are forced to last the full term unless hugely unpopular.

If simultaneous elections are to be held in India, some such device will be necessary. The difficulty is two-fold. The idea that simultaneous elections should be held has the hidden assumption that it is the Prime Minister who will call the shots. The proposal, as of now, does not bind the Prime Minister to a strict five-year cycle. In a federation with a written Constitution (unlike the UK), this involves a huge shift of power to the Centre and to the incumbent Prime Minister. It would require not just a constitutional amendment but perhaps a constitutional convention with representation from the Centre and all the states to decide the matter. Even so, difficulties remain.

If a state government becomes unpopular, it may need to be dismissed. If there is FTPA but the Opposition secures the necessary majority, then the winning party has to agree to serve only the remainder of the term or President's Rule has to be imposed. But what if the government at the Centre loses a vote of confidence? Does the Opposition form a government for the remainder of the term? Or do we have new simultaneous elections?

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