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Relevant for: Indian Polity | Topic: Elections, Election Commission and the Electoral Reforms in India Incl. Political Parties

*Last week, when Prime Minister Narendra Modi convened an all-party meeting to discuss the idea of 'one nation, one poll', several parties stayed away, calling the idea "anti-democratic" and "anti-federal". In a discussion moderated by **Anuradha Raman**, Tiruchi Siva and Jagdeep S. Chokkar speak of the implications of the proposed move. Edited excerpts:*

Tiruchi Siva: One of the reasons the ruling party puts forth [to hold simultaneous elections] is the huge expenditure involved in the election process. In a democratic country, it the right of the people to exercise their franchise. It is the discretion of the people to elect or unseat a government. Citing expenses incurred in elections is not such a big issue in a country as vast as ours.

Our main contention is that as long as we have Article 356 in the Constitution, which allows any State government to be removed by the Central government, how can you be sure that the Centre will not unseat a State government for its own personal reasons by using Article 356 if simultaneous elections are held? What will happen to the remaining tenure of that elected Assembly? As long as Article 356 is in the Constitution, no State government is assured its full term of five years. Will somebody give us an assurance that Article 356 will be removed from the Constitution?

Jagdeep S. Chokkar: Well, are we trying to get the cheapest possible democracy or are we trying to get the most effective and representative democracy? I think it is wrong to put a monetary value on democracy and elections.

The point on the issue of expenses is, who spends this money? The money that the Government of India and the Election Commission spend, which is public money, is minuscule compared to the money that political parties and candidates spend. If political parties and candidates want to reduce expenditure, they can do that. Nobody is asking them to spend that money. They spend this money because no political party is internally democratic.

'One Nation, One Election' — is it a wise idea? | Parley podcast

The Model Code of Conduct only says that if the government wants to introduce a programme or a policy which may have a bearing on the result of the elections, it has to seek clearance from the Election Commission. There are a number of cases where the Election Commission has given such permission. The Model Code does not say that all existing schemes should be stopped. So, to say that development stops because of the Model Code is strange. The reason is that parties which are in power think of development programmes in the last six months or three months before the elections.

Then there's the point about the government machinery getting caught in the election process. Every State has two elections every five years — one for the Assembly and one for Parliament. Today, elections to a small and remote State Assembly are considered to be a referendum on the national government, so much so that the national government and the political establishment gets into that election. A State election should be fought by the people of the State. Why should Ministers of the Central government and the Prime Minister go to every State to campaign? As a matter of fact, a case can be made that the Minister who takes an oath to fulfil his ministerial duties to the best of his ability for five years and then goes on electoral

campaigns violates the oath of office which requires him to do his work as a Minister. If there are people required to campaign everywhere in the country, let them not be made Ministers. If elections are held in one or two States, why should the administration in the remaining States stop functioning?

TS: Adding to what Mr. Chokkar said, till 1967, simultaneous elections were in vogue. The situation changed after that. All the reasons Mr. Chokkar gave are valid. You see, in a democratic country, an election is the core thread through which people can express their views about the government. At other times, the government has the upper hand. Saying that a few crores being spent on elections is a waste is not a valid argument.

The Hindu Explains: One nation, one election

Then I come to the Lok Sabha. In 1977, the Lok Sabha's term lasted only for three years. In 1989 it lasted only for two years. In 1996, the 11th Lok Sabha lasted for 18 months, and the 12th Lok Sabha lasted 13 months. Even the Lok Sabha cannot be assured of a full term. And if the Lok Sabha is dissolved and the State governments are stable, what is the solution to that?

TS: Yes, there is an apprehension that it is so. What is the urgency when there are so many issues to debate? There are serious concerns about the federal structure and its future against the backdrop of this proposal.

JSC: Part VI of the Constitution concerns the States. The States have an independent constitutional entity and existence. They have their own rhythm of elections. To forcibly change a constitutional entity's natural progression is unconstitutional. And as has been said by Siva, it is a violation of the federal structure. So, one, there is independent constitutional existence, and two, there is the famous *Kesavananda Bharati* judgment in which a 13-judge Bench said, yes, Parliament does have the power to amend the Constitution, but that power does not extend to the point where the basic structure can be changed. The basic structure has been defined variously by several Supreme Court judgments. And in all those descriptions the federal character of the Constitution is a permanent component and prevents Parliament from amending the basic structure of the Constitution. Therefore, I maintain that even if all parties agree that simultaneous elections should be held, it is unconstitutional and it will not stand the test of judicial scrutiny. It is against the spirit of democracy and it should not be done.

If the party in power wants to have absolute control over all the States, it should move a formal proposal to have a presidential form of government. I have no problem with that, but that should be discussed in that form and not through this devious and circuitous way.

TS: Importance to States was accorded only after the emergence of regional parties. Till then, the national party dominated. After the emergence of regional parties, importance was given to local issues, and regional importance, of course, gained momentum. That cannot be sought to be undermined or underestimated in the future. If a simultaneous election comes through, the national party may take that as a sign for a simultaneous verdict. There are chances that the prevailing situation will help a party to remain in power at the Centre and in the States. This proposal will undermine the federal structure by pushing the regional parties out.

JSC: Absolutely. I feel that this is perhaps one of the unstated intentions. To get rid of all the minor parties, so to say, is to get rid of the Opposition. Regional parties will lose out because it will be argued that we are also voting for Parliament and for national issues. So, should the voter be voting on national issues in the State elections or on regional issues?

I had written a piece with Sanjay Kumar for your newspaper [in 2016] where I had said that [from

the 1989 general election onwards], out of 31 instances where elections for State Assemblies and Parliament were held simultaneously, in 24 cases the same party was voted for the State Assembly and Parliament. So, the chances of voters voting together for the same party for the State and the Centre are high.

Even when the Congress was in power, and during Indira Gandhi's time, there was a proposal for a presidential form of government, though the slogan of 'one nation, one election' was not used. So, it is a fact that any party which finds itself in a rather strong position feels like perpetuating its rule. But that does not mean that it is democratic.

The third issue is that in the last three years, there have been a number of discussions on simultaneous elections. And this government, even before Parliament meets, calls a meeting of the political parties on this issue. This makes me wonder whether it is a diversionary tactic of the government so that people don't think about other issues.

JSC: It is ironic that there is a limit on the expenditure that a candidate can incur during elections but there is no limit on the expenditure that a party can incur. What is the source of income of political parties? Nearly 70-80% of the income of parties on an average is from unknown sources. And now, on top of that, we have this new scheme called electoral bonds. This is a blatant way of converting black money into white. Data show that in 2017-18, 95% of the bonds were received by the party in power. Now, this is a way of choking the funding to all Opposition parties, big or small. And if funding to all Opposition parties is choked, obviously other parties will be unable to function. That's why we are in the Supreme Court and the matter is under the consideration of the Court. Our contention is that it is against all the apex court's judgments on transparency. I mean, the whole exercise of making electoral bonds a Money Bill, which it is not, is questionable. There are many things wrong with electoral bonds and they will make the election expense issue even more opaque.

I repeat, election expenses are not an issue. If political parties are going to be truly democratic in their internal functioning, they have to stop choosing candidates on their winnability quotient, the exact definition of which is not known to anybody, but we do know that money and muscle power form two very important parts. Till that is corrected, the election expenditure issue is not going to be sorted out.

TS: I would like to know how much money can be saved by holding simultaneous elections. We will oppose the move and continue to do so. The government cannot paralyse the best practices which have been followed so far.

Jagdeep S. Chokkar is one of the founding members of the Association for Democratic Reforms, and Tiruchi Siva is a DMK member in the Rajya Sabha from Tamil Nadu.

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