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Democracy and Simultaneous Elections

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ABSTRACT

In India, the concept of simultaneous elections is not a new one. When elections were held for the Lok Sabha and state legislatures for the first time in 1951-52, it was a historic occasion. What are the chances of the terms of Parliament and state legislative assemblies being coordinated? Does that make it constitutionally admissible if the answer to that is yes? Then we aim to discuss its constitutional validity. Due to the increasing popularity of the Bharatiya Janata Party and its electoral successes in the early 1990s, simultaneous elections were reinstated. After a long hiatus, they have reappeared with remarkable vigour since 2014, coinciding with the emergence of Prime Minister Narendra Modi to national political prominence. It is often remarked that when elections are held at the same time, accountability is eroded since elected legislators are no longer held accountable to voters through mid-term elections. The purpose of this article is to discuss the ramifications of holding simultaneous elections in India, as well as the influence this will have on the country's democracy.

I. INTRODUCTION

The continuous holding of elections in one or more parts of the country has recently been called into consideration, with voices raising against the practice. In this atmosphere, simultaneous elections — conducting elections for all three levels of government at the same time — are being promoted as a more efficient strategy.

To justify and bolster their position, its proponents point to the detrimental effects of continuous elections on developmental schemes and policies, the prolonged military engagement, the massive expenditure required to hold continuous elections, and the historical prevalence of simultaneous elections (from 1951-52 to 1967). By contrast, opponents raise constitutional and practical problems about its execution. For instance, is it possible to coordinate the terms of Parliament and state legislative assemblies? If the answer is yes, is that constitutionally permissible?

Simultaneous elections are not a new notion in India. In 1951-52, elections for the Lok Sabha and state legislatures were held at the same time for the first time. The following three elections were also close. A few state legislatures were dissolved prior to their tenure ending, disrupting

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the overall cycle. Even the Lok Sabha began to be prematurely dissolved over time. All of this led to the state and federal elections becoming more out of step.

II. BJP URGES WHILE OTHERS OPPOSE

Simultaneous elections were revived in the early 1990s, owing to the Bharatiya Janata Party's [BJP] increasing electoral gains. They have, however, returned with the unprecedented force since 2014, coinciding with Prime Minister Narendra Modi's ascension to national political prominence.

This coincidence is neither coincidental nor unexpected. As evidenced in other nations, particularly the United States of America, simultaneous elections may result in a 'coattail effect': the capacity of a solid and popular candidate to garner votes for other candidates of the same party in an election.² Given that Modi has been the BJP's prominent campaigner since 2014, cries for 'One Nation, One Election' are inevitable. This is supported by a 2019 poll performed by Professor Sanjay Kumar of the Centre for the Study of Developing Societies in New Delhi, which indicated that 32% of BJP voters chose the party primarily because of Modi.³

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From the standpoint of other national political parties, such a scenario would mean disaster, as their leadership is incapable of matching Modi's magnetic appeal to Indian voters. Their administration has mainly been unsuccessful in converting their influence into political support for their respective parties, particularly in the Lok Sabha elections. As a result, they choose continuous polling over simultaneous polling.

III. DEMOCRATIC CONCERNS

Simultaneous elections appear enticing on the surface. Nonetheless, it would be naive to support it without considering the opportunity cost. Apart from constitutional and practical considerations, several democratic concerns merit attention.

First, the dominant political party, and in general, national political parties, have the edge over their competitors in simultaneous elections due to the "coattail effect." That, in turn, contradicts the democratic ethos by denying everyone a level playing field. However, the threat becomes

² What advantages do incumbents have in elections? – Colors <https://colors-newyork.com/what-advantages-do-incumbents-have-in-elections/>

³ October | 2019 | Cornell India Law Center. <https://indialawcenter.lawschool.cornell.edu/2019/10/>

more severe at the regional level when it has the potential to have far-reaching ramifications for democracy.

Given that national political parties will prevail in the event of concurrent elections, regional parties will either suffer a decline in popularity or be forced to merge with their federal counterparts. In any event, it will stifle regional aspirations and demands, which are generally raised by provincial political parties in various democratic venues.

Additionally, because the 'coattail effect' benefits the ruling party/coalition, there is always a risk that they will be encouraged to retain political power at any cost. This will be catastrophic for democracy, since Indian and global history are replete with examples, including Hugo Chávez's Fifth Republic Movement in Venezuela and Viktor Orbán's Fidesz in Hungary, when single-party dominance culminated in the transformation of a democratic system into a totalitarian one.

Second, one of the fundamental assumptions of parliamentary democracy is that a government that enjoys widespread support retains the power to govern until it dissolves or loses popular support. Simultaneous elections are not always consistent with this notion. In instances, governments formed through simultaneous elections lose popular support or are dissolved in the middle of their terms. If a state government loses its majority mid-term, the Governor, acting on behalf of the President of India, is required to seek the formation of a government from other parties/coalitions, as re-election is not an option. If the attempt to establish a government fails, the President will run the state until the next elections, as stipulated under Article 356 of the Indian Constitution. On the surface, this appears to be anti-democratic.

This scenario would also be applicable at the Union level. If a union government loses its majority during its term, the President's only option is to ask other parties/coalitions to form the government. If that fails, the President will run the country with the help and advice of a Council of Ministers made up of members of the defunct Lok Sabha and Rajya Sabha's operating until the next elections.⁴ This administration would be anything but democratic, resembling a constitutional aristocracy.

No surprise, then, that even the Law Commission of India's draught report on Simultaneous Elections from 2018 notes that the existing constitutional framework does not permit simultaneous elections and that conducting elections in this manner would require significant amendments to the Constitution, the Representation of the People Act, and the Lok Sabha and

⁴ Political structure. <https://country.eiu.com/article.aspx?articleid=131864796>

state legislature Rules of Procedure.

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Finally, elections are a necessary safeguard for democratic accountability. Continuous elections help keep elected officials and governments on their toes, as they must frequently interact with the people. This places them under constant examination to ensure that they keep their promises. Simultaneous elections would erode that accountability, as elected legislators would no longer be accountable through mid-term elections.

IV. TAKING A LOOK AT OTHER COUNTRIES' PRACTISES

In Sweden, local county and municipal council elections take place on the same day as the general elections in the second week of September on a Sunday. The local municipality and the national electoral authority organise such elections, with voting often taking place in a municipal facility (schools, community centres, etc). Meanwhile, South Africa has national and provincial legislature elections at the same time, with municipal elections following two years later.⁵

V. SIMULTANEOUS ELECTIONS, A TURN OF THE SCREW

India's democratic foundations have become stronger through time, and the role of continuous elections has been critical in that process. They have facilitated the growth of regional political parties and elevated regional demands on the national democratic arena. In short, uninterrupted elections have consolidated India's democratic foundations.

A step forward toward the reintroduction of simultaneous elections would effectively be a step backward for India's democracy.

⁵ Simultaneous Elections - PrepLadder. <https://blogs.prepladder.com/simultaneous-elections/>