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One Nation, One Election: What will its Implementation Mean?

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Simultaneous elections to the Lok Sabha and state assemblies will violate the principle of collective responsibility and will crush the federal ethos on which Indian parliamentary democracy is based.

The idea of India having a “one nation, one election” format as the basis of its electoral democracy has once again come up for consideration and study. On 1 September 2023, the central government set up a panel with former president Ram Nath Kovind as its chairman to study if a system of simultaneous elections is a pragmatic plan. Its mandate is to examine the feasibility of synchronous elections to Parliament and the state assemblies. The panel has already had one meeting.

If we look at constitutional democracies today, we find that the range of the basic institutional designs they follow is limited. Most of them are parliamentary systems, presidential systems, or some form of semi-presidential system where both a president and prime minister are directly elected and share power. For our discussion on the workability of simultaneous elections, it will help, even at the cost of repeating the obvious, to look at the design of a parliamentary system and the Indian Constitution’s position on it.

This discussion will make it clear that making elections simultaneous and fixing a single date for them will crush the accountable and federal ethos on which Indian parliamentary democracy is based. The parliamentary form of government is an institutionally interlinked system that tries to take everybody along and functions on the foundation of governmental accountability. In large countries such as India, it is also based on the federal principle.

In a parliamentary system, the party that wins the majority of seats in parliament forms the government and its leader becomes the prime minister or the head of government (distinct from the head of state). The parliamentary form follows a system of individual and collective responsibility.

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Individual responsibility (Article 75 (2) of the Constitution) means that ministers are ultimately responsible for the decisions and actions of their ministry. In the case of a malpractice or error by a ministry, its minister is seen as responsible, and he or she can be asked to apologise or resign by the president on the advice of the prime minister. But this does not mean that the entire government, which continues to function, is culpable.

The parliamentary form of government is also based on a system of collective responsibility. It is this collective responsibility that is relevant for the discussion here.. This means that the head of government and the council of ministers are collectively responsible to the legislature or parliament – they swim or sink together. They are united over their government’s policies in the parliament even if they privately differ. Belonging to the majority party or coalition, this group (which is the executive) holds office only as long as it enjoys the confidence of the parliament.

The principle of collective responsibility means that the government is accountable to parliament and must resign if parliament passes a vote of no confidence against it. This means that a government may fall before the expiry of its five-year term, and fresh elections must be held for a new government to take office. It is instructive that the law fixes the maximum term of a parliament in democracies but not its minimum term – the assumption is that it can be dissolved earlier. This is the system of parliamentary democracy that India follows.

Besides being a parliamentary democracy, the Indian system is also federal in form (though it has some features that tilt towards centralisation). The states have their own elected governments, which are distinct from the central government, and both are accountable to their own legislatures – the central government to Parliament and the state governments to their legislative assemblies.

As for the central or union government, Article 75 (3) of the Constitution says, “The Council of Ministers shall be collectively responsible to the House of the People” (or the Lok Sabha). This is further elucidated by Article 83 (2), which says, “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.”

These two constitutional provisions make it clear that India follows the parliamentary principle of collective responsibility and that the term of a government may be cut short to less than five years if it loses the confidence of Parliament. Elections to bring in a new government must be conducted within six months. Article 85 (1) clearly says that the time between two sessions of Parliament should not exceed six months.

The same goes for state assemblies. The principle of collective responsibility at the state level is enshrined in Article 164 (2). The state assembly’s duration of five years or less than that if it is dissolved is dealt with in Article 172 (1), and Article 174 (1) deals with the six-month limit.

One should also look at Article 356 of the Constitution to further understand its position on the federal system. Article 356 provides that the president can withdraw a state government’s powers if there is a constitutional breakdown in the state. In such a situation, the functions of the state government come under the office of the president or the authority of Parliament (which means that state rule is taken over by the central government) till the time such a proclamation is in place.

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This is called “President’s rule” in a state and it can be imposed for six months at a time – it ceases to operate after six months unless an extension is approved by Parliament. President’s rule has a maximum term of three years. In certain circumstances, this has been further extended, as in the case of Punjab during the time of militancy when it was extended to five years through the Constitution (68th Amendment) Act (1991). What this brings out is that the imposition of Article 356 (though rare after a Supreme Court judgement in 1994 in the *S.R. Bommai* case) can upset synchronous elections. Elections in states after the end of president’s rule cannot follow a pre-determined schedule.

It is clear in these constitutional provisions that governmental accountability and responsible conduct were considered more important than the timing of elections by the makers of the Constitution. The Indian democratic design is based on a principle of collective responsibility that enables expressing legislative no-confidence at both tiers of government (the union and states), which assumes an electoral asymmetry.

The idea of simultaneous elections ignores that the parliamentary system is based on the norm of collective responsibility at both levels of government. If any government – at the centre or in the states – loses a vote of confidence in Parliament or a state legislature, it has to resign and make way for a fresh government through another election. This means that having the same election schedule for all does not fit this form of government.

In other words, if questioned by opposing legislators, the government must pass a floor test and prove it enjoys support in Parliament/state assembly. If it cannot prove its majority, it has to bow out and make way for a new government through fresh elections. This is the substance of a parliamentary government. The timing of elections is only a second order priority here. Proving that the party enjoys the support of the house comes first. This might also be difficult in case of a ‘hung’ legislature where no party gets a clear majority to form the government.

In 1996, the Atal Bihari Vajpayee government fell after 13 days when it failed to muster a majority in the Lok Sabha. His party, the Bharatiya Janata Party (BJP), had won only 161 seats, way short of the halfway mark of 272 seats, but was called to form a government because it was the largest party in the house. It was given two weeks to prove its majority. Vajpayee resigned before the trust vote could take place because the BJP was not able to gain enough support. If this government had continued for its full term of five years, the next general elections would only have taken place in 2001. However, the next general elections were held in 1998.

The United Front government under H.D. Deve Gowda came to power after the fall of the Vajpayee government. It was a coalition government of 13 parties, which was supported by the Congress (I) from outside. This government lost a vote of confidence in April 1997 after the Congress withdrew support to it. However, a compromise was reached and Inder Kumar Gujral was chosen as the leader

of a government that continued with the support of the Congress. The government too lasted for less than a year with the Congress pulling out again.

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General elections were held in February 1998. Once again, no party won an absolute majority – it was a 'hung' parliament. The BJP won 182 seats and the Congress 141. Some parties came together to form the National Democratic Alliance (NDA), a coalition led by the BJP, which lasted for only 20 months. The government lost a vote of confidence. Elections were held again in 1999, which would have upset a fixed electoral calendar. If the 1998 government had continued, the next elections would have been in 2003.

These examples demonstrate that fixing a time for all elections to bring in simultaneity does not blend with a parliamentary system where the executive (government) can lose its support in the legislature (Parliament or state assembly) and elections have to be called before five years are up. To put it conversely, a fixed date for elections would mean that a government is allowed to function even when it has lost support and legitimacy. And here we are dealing with asynchrony at three levels: (i) Parliament, (ii) state assemblies, and (iii) Parliament and state assemblies.

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Some argue that the present Indian government prefers a presidential form of government, which may be true. This brings me to the main indicative features of a presidential system. In a presidential form, the president is elected directly or indirectly (through an electoral college), and he or she has a fixed term as both the head of government and state. The president is independent of the legislature, which means that the legislature cannot remove him or her from office through a vote of no-confidence (if the charges are very grave, the process of impeachment can be used against the president). As such, the president is elected for a fixed term and normally completes the full term in office.

What needs to be underscored here is that even in the US, which is considered to be the prime example of a presidential system, the presidential, congressional, state and local elections are not simultaneous. The presidential elections are held every four years in an even year. The congressional elections, called mid-term elections, are held every two years, midway between presidential elections.

States can decide the timing of their elections. State elections can either be held simultaneously with the presidential or congressional elections (many states do this for the sake of convenience and cost-effectiveness), or they can be held at other times. The law does not fix their schedules and does not say that all these must be held at the same time. This tells us that even in a presidential system the elections for all governments are not necessarily simultaneous and they follow different schedules.

In India, the idea of a fixed term and simultaneous elections to the centre and state assemblies can mean two things. One, that the present government wants to modify the parliamentary form of government by fixing governmental terms in office and that it aims to have greater central control over states through president's rule. This means moving towards greater centralisation.

Two, the government wants to replace the parliamentary system and put a centralised, fixed-tenure presidential form of government in its place. In theory, this looks neat, but, in practice, federations do not work like this. In all major federated systems of the world, the presidential, legislative, and state or provincial elections do not happen at the same fixed time. Rigid electoral schedules go against the very idea of a federal set-up and become a top down imposition.

Research points out that a president in a presidential system and a party in a parliamentary system can become coercive and fearsome if their powers go unchallenged (Moe and Caldwell 1994). But research also shows that parliamentary systems are found to be more workable than presidential systems in a multi-party setting. They provide governments with majorities for putting their programmes in place and have a greater ability to moderate executive authority (the prime minister and the government) and prevent it from undermining the constitution (Stepan and Skach 1993).

|| India's choice of a parliamentary form of government has stood the country in good stead all these years, especially when one considers the collapse of presidential or semi-presidential systems in its neighbourhood and elsewhere.

A parliamentary system is an umbrella system that aspires to take everybody along, and it thus fits quite well with the rough and tumble of a diverse polity like that of India's. Parliamentary systems are strongly related to good governance, especially economic and human development (Gerring et al. 2009). They also seem to more easily resolve the persistent institutional conflicts found in most democracies than presidential systems (ibid 2009), such as those between the executive and legislature, between the government and opposition, between political parties, between different institutions, and so on. Parliamentary systems are also able to avoid the constitutional impasses that many a time obstruct presidential systems.

Given all these factors, India's choice of a parliamentary form of government has stood the country in good stead all these years, especially when one considers the collapse of presidential or semi-presidential systems in its neighbourhood and elsewhere.

Implementing the idea of simultaneous elections in India will warrant a heavy-duty constitutional change. More importantly, it will be a major overhaul of the parliamentary (and federal) form of government, if not its complete overthrow.

One, it will alter the system of collective responsibility by allowing minority governments or governments that have lost the confidence of the legislature to continue in office till the completion of a five-year term. Two, it will tweak collective responsibility by possibly introducing a system of super majorities and letting governments continue even if they have lost the confidence of half of the legislature. And, three, it will place a state under president's rule if the centre is convinced that the constitutional machinery in the state has collapsed and elections will be held only when the date pre-fixed for it arrives. This will alter the structure and spirit of the Indian parliamentary system with a federal structure by taking it down the road of rigid centralisation.

How an excessively centralised government will work in a vast country such as India with its diverse cultures, languages, lifestyles, and politics is a big question to which we have no clear answers. We need to give serious thought to this before bringing about any drastic change.

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