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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# SYNCHRONIC ELECTIONS: A JURISPRUDENTIAL CONSTITUTIONAL DEBATE

AUTHORED BY - SANIGHDHA<sup>1</sup>

*“The true source of rights is duty. If we all discharge our duties, right will not be very far to seek. If leaving duties unperformed, we run after rights, then they will escape us like a will-o-the-wisp. The more we pursue them, the farther they fly. Voting and elections are such duties.”<sup>2</sup>*

-Mahatma Gandhi (The Father of the Nation)

## I. Simultaneous Elections: A Historical and Evidentiary Brief:

India, being the largest, biggest and the most vibrant democracy<sup>3</sup> of the world, the conduct of elections, as per Part XV of the Constitution of India<sup>4</sup> (the grundnorm and sacred document); is not just an authentication, corroboration, and verification of the presence of principles of constitutionalism, constitutional morality, constitutionality; but also documents and attests India, as the frontrunner and torchbearer of enlightened democratic apparatus existing in India. Right to vote and right to elect, as well as the right to contest elections, is the stabilized and recognised right in accordance with the Constitution of India, otherwise a constitutional and legal right. In the historical and evidentiary time periods of India as well as the world, the right to conduct elections and the right to vote has been upheld in ancient-civilizational periods, the medieval-transformative periods, and the modern-reformist periods- as one of the basic fundamental and human rights<sup>5</sup> of all times. That is why, the first step after India got transformed into a full-fledged Republic (on the auspicious occasion of 26<sup>th</sup> January 1950),

<sup>1</sup> Sanighdha; Junior Research Fellow, Department of Laws, Panjab University, Chandigarh; sn201918@gmail.com.

<sup>2</sup> “Quotes By Founding Fathers and Others on Citizens’ Duties.” *Government of India*, [https://dpe.gov.in/sites/default/files/Quotes\\_by\\_founding\\_fathers.pdf](https://dpe.gov.in/sites/default/files/Quotes_by_founding_fathers.pdf). Accessed 3 Oct.2024.

<sup>3</sup> “India is one the few vibrant democracies in the World, says White House.” Business Standard, [https://www.business-standard.com/elections/lok-sabha-election/india-among-the-few-vibrant-democracies-across-world-says-white-house-124051800030\\_1.html](https://www.business-standard.com/elections/lok-sabha-election/india-among-the-few-vibrant-democracies-across-world-says-white-house-124051800030_1.html). Accessed 3 Oct.2024.; Mahajan, Kuber. *Election Laws in India*. Whitesmann Publications, 2020; Chaudhari, Anurag. *Elections in India: Issues and Challenges*. Whitesmann Publications, 2021; Mahajan, Kuber. *Election Laws and Practices in India*. Whitesmann Publications, 2024; Malhotra, Manav. *Laws of Elections in India*. Singhal Law Agency, 2022; Mendiratta SK & Devi Rama. *How India Votes: Elections Laws, Procedure and Practice in India*. Lexis Nexis, 2017; Quraishi, S.Y. *India’s Experiments with Democracy: The life of Nation Through Its Elections*. Harper Collins India, 2023; Jaishri Jethawany & Kapur, Samir. *When India Votes: The Dynamics of Successful Election Campaigning*.

<sup>4</sup> *The Constitution of India*. The Government of India, 1950.

<sup>5</sup> *The Universal Declaration of Human Rights*. The United Nations, 1948; *The Constitution of India*. The Government of India, 1950.

was to hold the elections for the contested seats. It must be noted that when one talks about simultaneous elections, it is the Lok Sabha and the State Assemblies that are being considered and referred to for this exercise. This is because the Rajya Sabha<sup>6</sup> is never dissolved and only follows the mechanism that is prescribed for it, by the Constitution of India. In the years following the independence, 1952, 1957, 1962, 1967 are the periods when simultaneous elections were held. But these were discontinued due to the premature or immature dissolution of certain state assemblies. The breakdown of this mechanism has till now, resulted in an uneven and differing cycles of elections, whereby Lok Sabha and State assembly elections are never held simultaneously.

The recent report by the legally constituted Committee, under the able Chairmanship of Sh. Ram Nath Kovind<sup>7</sup>, former President of India, has once again declared that holding simultaneous elections is a possibility. There would be two major constitutional amendment Bills<sup>8</sup> that need to be passed for the same. The first Constitutional Amendment Bill will entail transition to simultaneous elections' phase with Parliament amending Article 82<sup>9</sup> of the Constitution of India, substantially, Article 83<sup>10</sup> and Article 327, apart from amending certain legislations of the Union Territories. This will not need the assent or consultation of the respective State governments. However, the second major constitutional amendment Bill will entail the consultation and concurrence of the State Assemblies.<sup>11</sup>

## **II. Simultaneous Elections: A Blessing in Disguise or a Federal Gordian's Knot**

Possibly, and justifiably, the need for simultaneous elections rises from the fact that it will ensure a more vibrant celebration of the Indian democracy. But there are some pitfalls for the same too. But initially, the benefits of simultaneous elections are discussed. *Firstly, and foremostly*, the issue that will stand resolved with the synchronized conduct of elections is the reduced time period of model code of conduct. India, being a socialist and welfarist State, embracing rapidly developing technological advancements and social reforms, presently, is in

<sup>6</sup> *The Constitution of India*. The Government of India, 1950.

<sup>7</sup> "One Nation, One Election." Government of India, <https://onoe.gov.in/>. Accessed 3 Oct.2024.

<sup>8</sup> "One Nation, One Election." Government of India, <https://onoe.gov.in/>. Accessed 3 Oct..2024.

<sup>9</sup> *The Constitution of India*. The Government of India, 1950.

<sup>10</sup> *The Constitution of India*. The Government of India, 1950.

<sup>11</sup> *The Constitution of India*. The Government of India, 1950.

the need of development works that benefit its youth dividend<sup>12</sup> and increasing geriatric population<sup>13</sup>. The welfare of these two sections, the rural welfare programmes, and the women-centric transformative steps as well as pan-India social sector schemes are all dependent upon the issuance of funds as well as awareness programmes. All of these get stalled when recurring elections do not let the elected work tirelessly and un-erratically. *Secondly*, if the elections are held simultaneously, instead of being held repeatedly, the focus of the elected few and the representatives of the people will always be on the development of the nation, the security of its boundaries and the protection of its citizenry; instead of making promises based on the next election. Right now, every party and every party candidate are more focused upon the next election that is going to happen. *Thirdly*, the administrative machinery of the State being engaged repeatedly in elections, whether they be of State assemblies or the Parliament, loose out their energy to engage themselves in the actual work that they are employed and appointed for. Thus, simultaneous elections will not only aid in increasing the administrative efficiency<sup>14</sup> of the state governments, but will also make actual ground-level democratic transformation a constitutional and a living reality. *Fourthly*, the internal security apparatus and the reduction of black money, are also the advantages of holding elections simultaneously. *Fifthly and lastly*, the process of simultaneous elections will not only aid in reduction of populist and popular measures, increased voter turnout, improvement in social harmony, reduced burden on the State exchequer, as well as better utilization<sup>15</sup> of the funds allocated and collected by the political parties.

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<sup>12</sup>“India can Reap its Democratic Dividends by Investing in the Care and Gig Economies.” *International Labour Organisation*, <https://www.ilo.org/node/649796#:~:text=India%20has%20the%20demographic%20dividend,the%20labour%20force%20each%20year>. Accessed 3 Oct. 2024; “Cashing in On India’s Demographic Dividend.” *Down to Earth*, <https://www.downtoearth.org.in/governance/cashing-in-on-india-s-demographic-dividend-95568> Accessed 3 Oct. 2024; “India’s High Youth Dividend: High Hopes for Today and Tomorrow.” *Gallup News*, <https://news.gallup.com/poll/509756/india-youth-dividend-high-hopes-today-tomorrow.aspx>. Accessed 3 Oct. 2024; “India’s Demographic Dividend: The Key to Unlocking its Global Ambitions.” *S&P Global*, <https://www.spglobal.com/en/research-insights/special-reports/look-forward/india-s-demographic-dividend-the-key-to-unlocking-its-global-ambitions>. Accessed 3 Oct. 2024; “Demographic Dividends for India: Evidence and Implications Based on National Transfer Accounts.” *Asian Development Bank*. <https://www.adb.org/publications/demographic-dividends-india-evidence-and-implications-based-national-transfer-accounts>. Accessed 3 Oct. 2024.

<sup>13</sup> “India’s Ageing Population.” *UNFPA*, <https://india.unfpa.org/en/news/indias-ageing-population-why-it-matters-more-ever#:~:text=While%20India%20has%20the%20highest,staggering%20347%20million%20by%202050>. Accessed 3 Oct. 2024.

<sup>14</sup> “The Pros and Cons of Simultaneous Elections.” *The Hindu*. <https://www.thehindu.com/news/national/the-pros-and-cons-of-simultaneous-elections-explained/article67790554.ece>. Accessed 3 Oct. 2024.

<sup>15</sup> Das, Pushpita. *India’s Internal Security: Role of State Governments*. Pentagon Press, 2024.

However, the pitfalls of the holding of simultaneous elections are also numerous. *Firstly*, the debate goes on to the federal problem that plagues the idea. It is almost impossible to cut down on the terms or extend the terms of certain state legislative assemblies, that will not only undermine the democratic federal principles, but will also imperil the established federal principles of Indian democracy. *Secondly*, the idea is against the spirit of democracy because it tries to implement an artificial cycle of elections, which will not only limit the rights of the voters, but will force them to vote against their will. *Thirdly*, regional parties will be at a disadvantageous position because of reduced focus on them. *Fourthly*, diminished accountability is an issue that needs to be handled while dealing with the idea of simultaneous elections. Thus, simultaneous elections, if at all held, will not only be a bed of roses but will have a definite cushioning of stingy thorns, as well.

### **III. Conclusion and Way Forward**

Conclusively, the concept of simultaneous elections is one of the most appropriate ways forward for the Indian democracy, because it has been decided by a panel of esteemed jurists and constitutional post holders. But the idea is not a full-proof plan in itself. As mentioned, it has its own set of challenges, that need to be tackled effectively, for the betterment of the society. However, while implementing it, the requisite government must pay heed to and listen to the voice of the people as well, because it is a huge change that the Indian democracy will undergo. Thus, then only, with the understanding of all stakeholders, this idea will see the light of the day, in the most righteous sense. Jai Hind.