

## One Nation – One Election – Suraaj – The Way Forward

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Elections in India are massive, festive events. But frequent elections also disrupt governance, deplete the exchequer and promote competitive populism. Politicians' preoccupation with elections leads to a permanent campaign mode at the cost of decision-making. The model code of conduct implemented in each election puts all governance on pause made. With more and more staggered polls and prolonged election schedules, most bureaucracy is preoccupied with conduct of elections, neglecting the basic services and functions of government for months each time. Given our poverty and desperation of parties to win elections at any cost, there is always a tendency to play to the galleries and squander resources on short-term, unproductive freebies at the cost of infrastructure, quality education and healthcare, and job-creating, income-enhancing, poverty-reduction policies.

For all these reasons, a regular, predictable nation-wide schedule for elections, and a nation-wide poll for all tiers of governments – national, state and local – at the same time would be helpful in improving governance. One nation – one election should also create a mechanism to fill vacant seats that arise from time to time without bye elections, which disrupt governance as much as general elections.

But we should note that while simultaneous polls are desirable, they themselves do not radically alter the nature of our politics and governance. AP, Telangana and Odisha have simultaneous polls for Lok Sabha and Assemblies. Earlier Karnataka and other states too had such experience. In none of these states is there significant improvement of governance because of simultaneous polls alone. Clearly, one nation-one election is desirable; but it is a minor change and does not in itself improve our democratic process and governance.

Elections and political process have four practical purposes in a democracy. First, they should encourage the best and brightest into public life. Second, the most honest, competent and public spirited candidates suited to promote public good must be electable by ethical means. Third, parties should offer clear alternatives to people in terms of policies and priorities. Fourth, once elected, those in office should be able to govern effectively and deliver on the mandate obtained. In our democratic process, none of these four purposes are fulfilled satisfactorily. The best and brightest are generally repelled by electoral politics; massive vote-buying, short term freebies and deliberate polarization and fomenting of social divisions have become the assured means of electoral success; most of the time elections are about power without purpose, rarely offering clear policy choices; and the systemic constraints make governance difficult, ineffective and unsatisfactory. As a general rule, the qualities and methods needed to somehow win elections in India are diametrically opposed to the skills and attributes required to govern well and promote public good.

One nation-one election involves massive constitutional reengineering with limited gains if implemented in isolation. Therefore the present mood in favour of simultaneous polls is an opportunity to improve the electoral system, make the best electable without vote buying or freebies, ensure stability and competence in governance and transform politics.

Happily, there are ways of improving governance and ensuring simultaneous polls. In our parliamentary executive system, even if simultaneous polls are held for union, states and local governments, there is no guarantee that over time mid-term polls do not become necessary in states. We need to invest enormous political capital and time and attention of legislatures to ensure simultaneous polls. If we go back to staggered polls over time after such a stupendous effort, the purpose is defeated.

Fixed term for Parliament, regular polls every five years for Lok Sabha, and stable government at national level can all be accomplished relatively easily if there is political consensus. A law similar to Fixed-term Parliaments Act, 2011 of the UK can be enacted to ensure that the Lok Sabha completes its full term without dissolution. As per that law, early general election can be held only if two-third of the whole House agrees to it; and a motion of no confidence can be reversed within 14 days and dissolution would be necessary only if no alternative government is confirmed. Coupled with such a law, a constrictive no confidence provision similar to Article 67 of German Constitution can be incorporated in our Constitution to make sure that a government is brought down on the floor of the House only if a successor government with majority support can be formed. Despite these provisions, in a parliamentary democracy, premature dissolution of the House would be necessary on occasion. For instance, the UK law provides for dissolution if two-thirds members agree, or if a no confidence motion is confirmed by the House within 14 days. Similarly, in Germany, the Chancellor who loses majority support can propose dissolution, and the House will be dissolved after 21 days if no alternative majority government can be formed. However, with broad political consensus and public support, it will be possible to ensure fixed term of Lok Sabha most of the time.

However, the situation will be vastly different in the 29 states of India. Within the parliamentary executive system we have, the government survives and functions effectively only as long as it enjoys majority support in the House. Given the complexity of India and the unique circumstances and challenges faced in various parts of the nation, it will be extremely unlikely that we can ensure fixed term of legislatures in all states for a long time. Political instability, local breakdown of law and order, constitutional crisis within a state, secessionist impulses in certain pockets and other unforeseen crises may arise in one state or the other forcing premature dissolution of the Assembly necessitating mid-term polls. Thus, within the Westminster model, in a federal system, it is virtually impossible to ensure simultaneous polls for Lok Sabha and all State Assemblies for long. Therefore even a massive one-time constitutional reengineering after investing enormous political capital and building consensus may not result in long-term simultaneous polls in all states along with Lok Sabha. Over time we

will have staggered polls as we have now, and all the effort made now would yield few dividends for the nation.

However, this mood in favour of one nation – one election can be utilized creatively to achieve real long-term impact and at the same time transform the nature of politics and governance by removing the dependence of state governments on legislature for survival. If the Chief Minister or head of state government is directly elected by the people, and not appointed based on majority support in the Assembly, then both the executive and legislature can have fixed term without any dissolution. Such a separation of powers in states has many advantages and will transform governance. Once government formation is delinked from Assembly seats, the role of vote buying will drastically come down.

Now, each Assembly candidate is willing to spend Rs.5-10 crore buying votes. Such expenditure is seen to be worth risking for power. In a disaggregated election, each candidate's risk is relatively small, and if after spending big money he is elected, he can recover the investment in multiples. As government survival depends on good will of legislators, corruption, misgovernance interference in day-to-day administration and failure of rule of law have become endemic and integral to our political system in states. We must realize that the real unit of politics in India now is the state and the Assembly constituency. Also real governance crisis is in states, as citizens' lives on a daily basis are touched by how the state and local government function.

In this backdrop, once the leader of the whole state is elected directly, he/she will depend less on vote buying and more on his/her personality, record, reputation, agenda and campaign. Relying on massive vote-buying in a large state would mean risking unaccounted, illegitimate expenditure to a tune of Rs. 2000 cr to 4000 cr. Such a large, aggregated risk for one individual and not shared by all legislators as they have no stake in executive power is not sustainable. As the individual legislator has no control over the survival of government, his ability to manipulate legislative office for personal gain is vastly diminished. Therefore the incentive for vote buying will decline rapidly in the disaggregated Assembly election as well. Therefore the behavior of parties, candidates and voters will be altered. Vote buying will give way to genuine campaign, and a better class of candidates will emerge, and electoral success will be less and less dependent on money power, and more on personality, character, agenda and credibility of candidates.

Apart from changing the nature of elections, reducing vote buying and eliminating role of unaccounted money in politics, direct election of head of government in states will have profound positive impact on governance. Once there is separation of powers, the Cabinet will be drawn not from legislature, but from society. The best public-spirited citizens with expertise and competence can be appointed to the Cabinet, improving quality of governance tremendously. As the legislature controls budget and law-making, the executive has to act within its boundaries. The system of checks and balances will ensure that government is held to account. As individual legislators no longer have a

say in executive functioning, they will no longer see local governments as a threat to their political survival, and true third tier federalism will be institutionalized

Once stability, tenure, honesty and competence in states are assured by direct election of head of government, synchronizing state polls with Lok Sabha will be easy, permanent and sustainable. Given local government structure, simultaneous local polls along with Lok Sabha, State head of government and Assembly will be easy and sustainable.

Such a framework of ensuring Lok Sabha's fixed term, direct election of head of state government along with state Assemblies, empowered local governments, and simultaneous polls in all three tiers – Union, State and Local – will transform Indian democracy and make good governance and integrity in public life integral to the system. One Nation – One Election – Surraaj will be a reality.

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