

Drop the bad idea of simultaneous elections

In recent weeks, there has been increasing discussion about the possibility of having national and State elections at the same time, popularly known as 'one nation, one election'. The formation of a committee, helmed by a former President of India, Ram Nath Kovind, to determine how this might be implemented, and what manner of constitutional changes might be required to make it a legal reality, have generated further debate. The primary arguments in favour of simultaneous elections are twofold: first, that it will decrease the costs of conducting elections (and of electioneering); and second, that it will free up political parties from being in 'permanent campaign mode', and allow them to focus on governance (and, for that matter, constructive opposition) for a five-year period.

Point and counterpoint

Against this, critics have pointed out that when you crunch the numbers, the actual financial savings are relatively minuscule. Furthermore, it is a relatively recent pathology of the Indian political system that central government Ministers and politicians spend a significant amount of time campaigning in State elections: if the concern, therefore, is that frequent State elections hamper governance and the business of Parliament, then simultaneous elections seem a needlessly complicated answer when a simple one is available: that State elections should be primarily fought by State party units, while national politicians can get on with the task of governance. The reality, however, is that the increasingly centralised – and presidential – character of Indian election campaigns means that this is unlikely to be a reality in the near future.

Critics of simultaneous elections have raised a few other objections. First, the logistical nightmare of conducting simultaneous elections in a country of a little over 1.4 billion people, in a context where even State elections need to take place in multiple phases.

The second, and graver concern, is the incompatibility of a rigid election timetable with some of the fundamentals of parliamentary democracy: as is well-known, at the time of Independence, central and State elections were conducted simultaneously. This arrangement broke down towards the end of the 1960s because of the use of Article 356 of the Constitution, which authorises the Union to suspend (or even dismiss) State governments in a narrowly-defined



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range of circumstances; but also, and apart from that, the essence of parliamentary democracy is that at all times, the government must enjoy the confidence of the House, failing which it must step down, and go back to the people for a fresh mandate.

Consequently, it is obvious that even if, legally and practically, one is able to synchronise central and State elections for one cycle, this will break down the moment a government falls. To this, two solutions have been proposed, both of which tend to make the problem worse. The first is that President's Rule (i.e., central rule) will be imposed in that State until the five-year-period is over. Needless to say, this will starkly undermine both federalism and democracy. The second is that elections will be held in that State, but the term of the new Assembly will only be until the next cycle (which could be in a year, or three years, or four years). Not only does this undercut both the justifications for simultaneous elections – cost and an avoidance of continuous campaign – but, rather, leads to perverse incentives (for example, how much 'governance' will a State government be able to do if elections are scheduled in a year?).

The possibility of more 'horse-trading'

The upshot of this is that there will be a strong push towards avoiding the fall of a government, even when it has lost the confidence of the House in the ordinary course of things. And, as we have seen in India, there is an almost institutionalised remedy for this: defections, or "horse-trading". It is, by now, clear that the Tenth Schedule's prohibition on horse-trading has been rendered more or less a dead letter, as politicians have found various ways to get around this (and courts have not been successful in stopping it). Thus, as was pointed out by lawyer and parliamentarian Kapil Sibal in an interview recently, simultaneous elections are likely to see an explosion of horse-trading, where the political parties with the biggest pockets will be the biggest beneficiaries.

While these intractable issues speak to the implementation of simultaneous elections, at a deeper level, there are two principled and interrelated arguments against the idea: federalism and democracy.

First, let us take federalism. Over the years, it has increasingly come to be accepted that Indian federalism is not simply a matter of administrative convenience but also a matter of principle that recognises the legitimacy of linguistic, cultural, ethnic, and other forms of

collective aspiration, through the grant of Statehood. In this context, there is, of course, Indian democracy at the central level, but also, at the level of each State, democracy takes its own set of claims, demands, and aspirations. Simultaneous elections risk a blurring of these distinct forums and arenas of democracy, with the risk that State-level issues will be subsumed into the national (this is inevitable, given the cognitive dominance of the national, as well as the fact that national-level parties frequently campaign in a national register, for understandable reasons).

Keeping absolute power in check

A related point is that in our constitutional scheme, the federal structure is an important check upon the concentration of power (buttressed by the existence of the Rajya Sabha at the central level). The federal structure, in turn, is sustained by a plurality of democratic contests, and a plurality of political outfits, at the State level. Simultaneous elections, for the reasons pointed out above, risk undermining that plurality, and risk precisely the kind of concentration of power that federalism is meant to be a bulwark against.

Second, on democracy: despite the ringing words with which the Preamble of the Constitution begins, the "People" have very little space in the Constitution, especially when it comes to exercising control over their representatives. Unlike many other Constitutions, where public participation in law-making is a guaranteed right, along with other rights such as the right to recall, in the Indian constitutional scheme, elections are the only form of public participation in the public sphere. There is a different conversation to be had about why this is not enough, but given this framework, relatively regular and frequent elections allow for more extended public participation and debate; simultaneous elections would shrink this scope substantially, without any countervailing changes to deepen it in other domains.

Therefore, it is clear that the administrative benefits from simultaneous elections are overstated at best, and non-existent at worst. However, the costs, both in the implementation and in the concept itself, are significant, and create non-trivial risks when it comes to protecting and preserving the federal and democratic design of the Constitution. These, therefore, are good reasons why the idea is a bad one, and ought not to be acted upon.

Spotlighting another border point, the 'rogue channel'

In early August this year, the Union Home Minister, Amit Shah, visited "Harami Nala" and the Border Observation Posts (BOPs) of the Border Security Force (BSF) in that sector in the Sir Creek area of Kutch, Gujarat, along the India-Pakistan international border. The aptly named Harami Nala ("rogue or treacherous channel" in English) is one of the most inhospitable places along the border. It has also been at the centre of cross-border mischief and exploitation by infiltrators. Media clips showed the Home Minister visiting BOP 1170 to take stock of the situation and he rightly averred that it is now impenetrable as a result of round-the-clock border vigilance.

Better surveillance

According to a BSF release, the Home Minister laid the foundation stone for a mooring place at Koteswar in Kutch and also inaugurated the newly constructed Chidliyamod-Biarbet Link Road and OP Tower in the Harami Nala area. Mr. Shah tweeted that he had inaugurated a 9.5 metre tall observation post tower equipped with high resolution pan-tilt-zoom cameras, to bolster intelligence-gathering capabilities. This will come up at BOP 1164, further up north from BOP 1170, along the "vertical line" of the International Boundary (IB). The great advantage of the new tower, worth ₹3 crore, and others coming up at BOPs 1165, 1166 and 1169 (apart from three more in the Creek area), is that they will provide live camera feed and continuous surveillance over the open stretch of water and mudflats surrounding Harami Nala.

These initiatives, together worth ₹361.35 crore, are being rolled out in pursuit of Prime Minister Narendra Modi's vision of a "secure border". The Mooring Place project, with an allocated budget of ₹257 crore, will make a huge difference by allowing berthing, repairs and maintenance for bigger vessels, including the floating BOPs, thus bolstering the BSF's capabilities in the Creek area.



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The Union Home Minister's visit to Harami Nala on the India-Pakistan border last month highlights the enhanced security measures in place

Harami Nala is a natural water body, approximately 25 kilometres long that flows west to east from Pakistan into Kutch just south of the Vighakot sector, flanked by vast marshy mud flats that are affected by low and high tides. About 22 odd kilometres of the channel lie on the Indian side of the "vertical line" of the IB between India and Pakistan which itself is not contested.

Distinctive characteristics

The water body has some unique characteristics. The tidal waters surge from the Pakistani side and, over the years, the channel is extending further on the Indian side. On the Pakistani side lies the Chini-Bandh (China Bund, just north of Bondho Dhoro), built with Chinese assistance to prevent the tidal waters from inundating areas on their side. On the Indian side, there is a desolate emptiness over the entire spread of the Harami Nala, except in the rear areas at considerable distance from the IB, where factories that have come up to produce salt, bromide and other chemicals carried by mineral-rich waters.

The Harami Nala is extremely rich in fishing, especially prawns. Moreover, the formidable marshy terrain through which it runs makes it impossible to approach or patrol on foot even during low tide. Treacherous tides, morass and mirages are matched by scorching temperatures (above 50° Celsius) in summer.

In contrast, the Harami Nala has always been more accessible from the other side. Pakistani fishing boats try and make their way up the many small creeks to surreptitiously enter the Harami Nala on the Indian side, drawn by the plentiful catch. In the past, they did so with impunity. There was the added risk of infiltration by terrorists and drugs and arms smuggling.

In the past, the entry point of the Harami Nala on the Indian side could not be approached by the BSF personnel due to a lack of infrastructure. They had to wade through deep slush to launch small patrol boats into the channel from areas to

the rear. This situation improved after a set of all terrain vehicles (ATVs) were procured from Italy and stationed at border pillar 1175, the last such observation post at the time. It also helped that special scaffolding was put up on the bank of the channel in the rear areas on the Indian side where troops could bivouac for watch duties and be rotated in the ATVs. Speed boats, tethered alongside, also began to make a difference in terms of preventing ingress by Pakistani fishing boats.

Such measures were not foolproof until an embankment was constructed along with a road to enable access to the very mouth of Harami Nala where it enters India. After 2014, the Narendra Modi government gave particular emphasis to border and coastal security. In the past nine years, the Ministry of Home Affairs has ramped up the creation of composite BOPs all along the border, including in the Creek and Harami Nala area. A modern composite BOP 1175 was constructed in 2016 and BOP 1170 in 2022. The construction of embankments and road infrastructure along the "vertical line" of the IB have enabled the new observation posts to come up between border pillars 1164 and 1153 in a manner that infiltration can be nipped in the bud at the entry points along the IB.

This is the first ever visit by any Home Minister. The BSF personnel in this sector, including the commandos (called Creek Crocodiles) and the force's water wing, have benefited from focused guidance and leadership at the highest political level. When he was the Chief Minister of Gujarat, Narendra Modi visited several BSF posts, recalls J.S. Bhalla, former DIG (Ops) of the BSF. On one of his visits to the Rann of Kutch, Mr. Modi was apprised about the drinking water problem at the BOPs in Vighakot and the surrounding areas. He ensured that piped Narmada river water was supplied to the BOPs.

The views expressed are personal