One nation, one poll: Why shred the fabric of Constitution to help parties cut costs?

The argument of cost savings as a motivation for simultaneous elections is weak, writes DMK's P Thiaga Rajan.

True to form, the Modi 2.0 regime exposed both faces of its duplicitous nature with great speed. The magnanimous rhetoric of the Prime Minister (similar to 1.0) was followed in short order by the heckling of several non-BJP MPs during their oath of office, the tabling of the Triple Talaq Bill, the merger of the TDP's under-investigation Rajya Sabha MPs into the BJP, and most telling, the renewal of the call for 'One Nation, One Election'.

Of a piece with the deplorable and farcical breach of decorum and secularism during the swearing in, and the patent violation of the Constitution's Equality clause in the penalty clause of the Triple Talaq Bill, the 'One Nation, One Election' proposal is profoundly unconstitutional - a

clear violation of the 'Union of States' Federalist Basic Structure of the Constitution. This has already been highlighted by many, who have also emphasized the structural and legal limitations of implementing synchronized five-year terms, starting with currently non-synchronized terms (e.g. how would one extend or cut-short an existing State Legislature's term to enable the first synchronized election, within the provisions of the Constitution), or managing the mid-term loss of a majority between elections (would one call for elections for the remaining part of the fixed five-year term, thereby doubling the costs; or continue with a government which didn't have a majority and hence couldn't get bills passed in the House due to the lack of numbers?).

Why the cost saving argument is poor

Alleged benefits of such a move, such as cost savings are easily dismissed by a simple analysis of the facts. Estimates of the cost of holding state elections vary from Rs 1 crore per MLA (as stated in the recent Karnataka polls), or around Rs 4,150 crore every five years for all states combined, to about Rs 5,500 crore at an aggregate level. While this is a lot of money (albeit for the exercise of voter's rights in a Constitutional Democracy), it pales into insignificance when compared to the total budgets of all states over five years.

Take Tamil Nadu as an example. It has 234 elected MLAs, so one can assume a cost of about Rs 250 crore (on the high side) as the cost of running the Assembly Elections every five years. Compare that cost – for the critical function of implementing democracy - to either:

The total Budget of Tamil Nadu over the five-year term of the elected Legislature, which I conservatively estimate at around Rs 13 lakh crores for the (current) 15th Legislative Assembly

OR

The MLA Constituency Development Fund of Rs 2.50 Crore per MLA, per year, or a total of Rs 2,925 crore (0.23% of the budget).

In other words, the once-in-five years Assembly Election costs under 0.02% of the total money to be spent through the State's budgets approved by these very elected MLAs as required by the Constitution, and about 8% of all MLAs Constituency Development Funds over the same

five-year period. For most reasonable people, the argument of cost savings as a motivation for simultaneous elections, should end here.

And while on the topic of alleged cost savings, it is worth noting that state and Central governments spend large amounts on questionable items (1000s of crores on statues, many 1000s of crore on publicity), and also end up underspending massive amounts of budgeted funds due to the inability to execute as planned (the 2016 CAG report cited unused cess funds of over Rs 1,30,000 crore over the past two decades).

Upon disaggregating the cost components of the election process, it is not even clear that simultaneous elections will lead to noticeable savings at all. The Election Commission has microscopically few full-time employees and relies massively on both ex-officio (e.g. Collector is the Electoral Officer for the District) and a co-opted workforce (Local Body employees are assigned additional duties for voter list maintenance and polling). The costs of procuring and handling twice the number of EVMs on one day will not be much lower than handing half the machines on two different days, though the latter is likely to be more efficient and reliable. So, when comparing both fixed and variable costs of the actual election process, the prospects for cutting costs by moving to simultaneous elections seem poor.

Why we need to spend more on Elections

But if optimizing public/government resources cannot provide justification for the notion of 'One Nation, One Election', what about the spending of political parties? Of course, the spending of parties will be reduced by reducing the number of elections. But why should the very fabric of our Constitution be shredded to reduce the spending of political parties? That's as illogical as treating the patient's disease by handcuffing the doctor!

From my participation in the election process as a candidate, as well as my observations as the leader of a wing in my party which focuses on data and processes amongst other things, I'd argue that we need to spend substantially more on elections to ensure a true exercise in democracy, not less.

There are deep flaws in the basic processes, starting with many lacunae in the voter lists – of both omission and inclusion. A simple histogram of voters by age – which should slope from (left) youngest down to oldest (right) in a growing country like India - will prove the under-enrollment (omission) of 18 to 25-year-old voters. And for wrongful inclusion, one need look no further than the RK Nagar bye-elections of 2017, where the State Election Commission deleted over 47,000 entries from the rolls of this single MLA constituency in two phases between April 2017 (when the bye-poll was originally scheduled but later cancelled) to December that year.

Upon analysing the voter lists post those deletions, we found a few hundred more instances of duplicate/inexplicable entries – which we took to the CEO for rectification. In the most mindboggling instance, one voter ID was listed six times across five different booths, referencing a 26-year-old female with the same Hindu name in all but one case, where the voter was listed as a 43-year old male with a Muslim name.

Anyone with experience at polling booths on election day can attest to many further concerns. Neither the government employees assigned to election duty (Booth Officers), nor the agents of most candidates (across all parties) are fully trained on the procedures, and especially on how to handle inadvertent, let alone malicious, breakdowns in the process (like mid-day EVM failure). We found that in many cases, booth officers had candidates' agents sign Form 17Cs (Final count of polling to be declared after polling is completed), without the details filled in, in the morning itself.

Then there is the massive disconnect between the EC's data, reported on its own official forms and lists, at different stages of the election process. In the recent General Elections, we noted hundreds of instances of variation between the total-vote counts in the paper Form 17C, and the EC's summary sheet. In most cases it was of a few votes difference either way (+/-), but in a few cases it was hundreds of votes. Thankfully, our MP was able to get many of the biggest discrepancies cleared up prior to counting – with many being retracted as clerical/typing error.

And perhaps worst of all, every General Election shows a big difference, in almost every constituency, between the EC's own booth-wise data on votes polled on election day (Form

17Cs), compared to booth-wise votes counted on counting day (Form 20s). Here also there are instances of both errors: more votes counted than polled in some cases, and more votes polled than counted in others.

I'm not (or at least, not yet) alleging any conspiracy in these discrepancies, which the EC, incredibly, explains away using an all-encompassing "provisional" tag. But the very fact that such discrepancies repeatedly occur between counts at the most granular (booth) level of the multiple stages of a single process, suggests the process needs significant improvement. And we cannot hope for such improvement without the additional investment of both resources and people.

We need to spend more on elections, not less, to ensure that this most sacred process of all democracy, functions with greater fairness, reliability, and transparency.

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