Acrimonious Facts of Simultaneous Elections in Odisha

PRAYAS DANSANA
Lecturer
P.G. Department of Law, Sambalpur University, Sambalpur (Odisha) India

ABSTRACT

In the post-2019 general election in India, incumbent government is advocating for 'one-nation-one-election'. On this lot of public debate is going on and most of the arguments put forth are based on speculation and conjecture. None of the detractors are checking the facts of simultaneous elections held in 2019. In 2019, in the States of Arunachal Pradesh, Andhra Pradesh, Odisha and Sikkim simultaneous elections were conducted. In the present discourse, the author has made a detailed examination of simultaneous elections in the State of Odisha and given a reference remarks on the other States. There is difference of total votes counted in the parliamentary constituencies *vis-à-vis* assembly constituencies of a parliamentary constituency. These differences are noticed in all most all the constituencies. This anomaly is not confined to the State of Odisha. Greater public scrutiny and debate is required to be done on this aspect.

Key Words : India, Democracy, Simultaneous Election, Election Commission of India, Odisha

INTRODUCTION

Something seriously wrong with the simultaneous election held in Odisha, Andhra Pradesh and Arunachal Pradesh in 2019. While articulating this feeling, I am neither speaking in favour of or against any political party. Debate on conduct of simultaneous elections in India were much before just concluded election in India. On the pro and con of conducting simultaneous elections lot of arguments are being made. Two major arguments for conducting this kind of elections are :(1) to curtailed huge election related expenditure from the government exchequer and (2) to check the administrative hurdles in executing government plans / policy during election time due to implementation of Model Code of Conduct. Both the arguments are true and cogent. It is a fact that government is incurring huge expenditure for conduct of election and conducting election have been becoming a regular affair for the election commission. Since Model Code of Conduct becomes operative from the date of announcement of election date, most of the developmental works virtually came to stand still because of it. Both these issues are management related issues. Yogendra Yadav[1] suggested that it can be address by reducing the polling dates, restructuring Model Code of Conduct and clubbing assembly elections into few rounds over a five-year period. On these suggestions one can have elaborate deliberation on it.

On the matter relating to conduct of election, it is also important to emphasis that election must be conducted on time as well as properly. It is imperative for a parliamentary democracy. And for this only, all the extravagant affairs of election are being held in India. It is indeed a great achievement of Indian polity that elections in India, esp. for Parliament and State Assemblies of respective States of India are conducted on time. But, is it conducted properly, esp. when in a particular region of India simultaneous election is held? In 2019 general election for the Lok Sabha, there were four States where State Assembly election too was

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1.   https://theprint.in/opinion/modis-simultaneous-polls-plan-is-like-changing-river-course-to-control-traffic-on-bridge/251863/

conducted. Those States are Arunachal Pradesh, Andhra Pradesh, Odisha and Sikkim. In the present discourse, we will only concentrate on Odisha's simultaneous election for the year 2019.

In Odisha, there are 21 parliamentary constituencies (PC) and in each PC, there are 7 Assembly Constituencies (AC). In total 147 Assembly Constituencies are there in the State of Odisha. In four phases, simultaneous elections were conducted in Odisha. In the Patkura Assembly Constituency, no simultaneous elections were conducted because of demise of one of the candidates of Assembly seat. The Patkura Assembly comes within the Kendrapara Parliamentary Constituency and hence, in the present discussion on the performance of simultaneous election in Odisha, we are not going to discuss here. In short, we are going to deliberate only on rest 20 Parliamentary Constituencies and 140 Assemblies seats of Odisha.

As we know voters of a particular constituency can exercise his/her democratic legal right to vote either through Electronic Voting Machines (EVM) or through postal ballot. It is hailed that due to introduction of EVM in the Indian election process, there is no single case of rejection of any vote[2]. In simultaneous election, in an election booth two separate compartments are made to cast vote separately for Lok Sabha candidate and Assembly candidate of their choice, respectively. With introduction of NOTA in the EVMs, the voters also have a choice to not to vote for any of the contesting candidates. In the light of the above arrangement, one can assume that voter's participation by way of casting their votes through EVM will be same so far as Parliamentary constituency of State as well as that of Assembly Constituencies of that Parliamentary Constituency. But, if we scrutinise the information as hoisted in the Election Commission official website[3], with reference to State of Odisha, there is a considerable difference of votes counted in the Lok Sabha Constituency and sum total of Assembly Constituencies of that PC. Total votes counted on EVMs in the 20 Lok Sabha Constituencies were 21407369 and total votes counted on 140 Assembly Constituencies were 21203427[4]. Total difference of votes is 203942. Details of the differences, parliamentary constituency wise, are given below in the tabular form.

PC No.	Assembly Constituency Name	EVM votes counted in PC	EVM votes counted in respective ACs of a PC	Difference of total votes counted on EVM between PC and ACs
01	Bargarh	1242020	1240715	1305
02	Sundargarh	1097672	1085903	11769
03	Sambalpur	1121164	1111363	9801
04	Keonjhar	1173526	1161331	12195
05	Mayurbhanj	1145512	1134957	10555
06	Balasore	1154421	1136671	17750
07	Bhadrak	1218473	1208292	10181
08	Jajpur	1085848	1072274	13574
09	Dhenkanal	1126650	1119664	6986
10	Balangir	1304050	1298068	5982
11	Kalahandi	1222906	1214661	8245
12	Nabarangpur	1157197	1143508	13689
13	Kandhamal	939498	922339	17159
14	Cuttack	1057444	1052599	4845
15	Kendrapara	1233125	1054912	178213
16	Jagatsinghpur	1225615	1213457	12158
17	Puri	1132803	1127965	4838
18	Bhubaneswar	1003704	990863	12841
19	Aska	1011541	1009885	1656
20	Berhampur	987163	981139	6024
21	Koraput	1076372	1066143	10229
Total				369995

From the above, it is apparent that a smaller number of votes had been registered in the EVM so far as Assembly seats were concerned and it is common to all the constituencies of Odisha. In fact, in 11 constituencies, the differences were more than 10000s votes.

Considering the arrangement of an election booth, it is highly improbable that a willing voters vote is not registered, unless a voter after casting his / her vote in the EVM for Lok Sabha 'refused to vote' for the Assembly. In fact, in case a voter after entering his / her name in the register maintained by 2nd polling officer, refused to vote in the EVM than the presiding officer of the booth has to make necessary entry in the said register

2. Sri Ravi Shankar Prasad, Hon'ble Union Minister for Law and Justice speaking on electoral reform in the Rajya Sabha on 03.07.2019

3. http://results.eci.gov.in/pc/en/constituencywise/ConstituencywiseS1819.htm?ac=19

4. Votes counted in the Kendrapara PC and 7 AC of Kendrapara are excluded.

as well as inform the same to the Returning Officer in the appropriate form[5]. Omission of registration of such staggering number of votes clearly indicates a flaw in the existing system. One may argue, such omission is caused due to negligence of the election officers. It is quite possible also. But, when these omissions are prevalent across all the constituencies, it indicates some serious flaw in the existing mechanism of conducting simultaneous election. In 2014 also, simultaneous elections were conducted in Odisha. If we examine the 2014 report[6] of the Chief Electoral Officer, Odisha on the simultaneous election in State of Odisha, similar differences between total votes for Lok Sabha seats and total votes of Assembly seats is also visible. Though differences of vote in 2014 election is not as big as that of 2019 elections, nonetheless there are omissions of votes. Unfortunate, in the 2014 reports of Chief Electoral Officer of Odisha, no explanation of such omissions has been made. Similarly, the Law Commission of India[7], in its draft report on 'Simultaneous Election', too has not discussed this aspect of election in Odisha.

It is very difficult to fathom that such a large number of electioneering officers cannot be negligent at the same time. If that would be the case, election commission must look into the matter scrupulously to trace reasons of such wide spread negligence. One reason might be the mental and physical fatigue of the polling officers those were deputed in booth. On the date of election, polling officers have to be on their toes for more than 10 hours. So, possibility of missing few electors vote cannot be ruled out. But, this cannot be a justifiable excuse for violation of Section 62 of the People Representation Act, 1951 which speaks about the entitlement of an elector's right to vote. On reverse analogy, State is under the liability to ensure this power of the citizens. Unfortunately, during conduct of simultaneous election in 2019, State has not discharged its liability in cases where electors' votes are not registered.

At this point of time, one may inquisitive of knowing the status of all other states where simultaneous elections were conducted in 2019. Situations are not much different. In Andhra Pradesh, there are 25 PCs and 175 ACs. Total votes counted in EVM from 25 PCs and 175 ACs was 31380829 and 31175820, respectively. That means there is omission of 205009 electors votes in the simultaneous election. In Arunachal Pradesh, there is 2 PCs and 60 ACs. Total votes counted through EVMs for PCs and ACs were 626977 and 592555. Difference of votes is 34422. Out of the 2 PCs, in the Arunachal West Parliamentary Constituency, there were three ACs where one candidate contest election respectively in those constituencies. So one can justify the difference of votes between PC and ACs of West Arunachal Pradesh. But that opportunity is not there with East Arunachal Pradesh Parliamentary Constituency. Omission of votes in East Arunachal is 688. In short, one can conclude that in conduct of simultaneous election in the existing mechanism, there is possibility of omitting of votes of *bona fide* electorals of India.

At the end, we, the People of India, need to take a stance on the immediate challenge on opting for simultaneous elections. No doubt, it (simultaneous election) will reduce election related expenditure and also help the administration to reduce the bottleneck due to election related Model Code of Conduct. But, what about the rights of the voters? Omission of votes are serious dent in the democratic process of India. Omission caused due to flaws in the conduct of elections need to be examined and debated in the public forum. In the ongoing debate on 'one-nation one-election', it becomes imperative to ponder this aspect of the simultaneous elections.

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5. On completion of voting process, the Presiding Officer of the booth has to submit Form 17C, wherein such incidents are to be reported.

6. http://www.ceoorissa.nic.in/docs/Election/2014/Reports/General%20election%20report%20Final%20-1.9.2014.pdf

7. http://www.lawcommissionofindia.nic.in/reports/Simultaneous_Elections.pdf