

## CONCEPTUAL REFORMS ONE NATION – ONE ELECTION

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### ABSTRACT-

**Introduction:** Held periodically, elections are one of the principal features of a democratic framework. At the heart of its parliamentary system, India holds periodical, fair elections every five years at all three levels, National, State and Local. It observed that the election campaigns consume about a year, not to mention enormous money. With such time and energy consumed for conducting different State elections, the NDA government has conceptualised the "One Nation-One Election" system. The main idea is to synchronize the state legislatures and the Lok Sabha.

**Objectives:** The present research examines the concept of the "One Nation-One Election" theory and its implications, pros and cons and challenges.

**Methodology:** This study carries out the secondary data taken from various reports and research papers. Herein, we discuss the role of elections in Indian democracy, its historical study. Necessary amendments in Constitutions to be made and accordingly changes in legislation to pass.

**Keywords:** Nations, Election, Lok Sabha, NDA government.

### I. INTRODUCTION

*"Once we decide we have to do something, we can go miles ahead."*

*-Narendra Modi*

This is not a new idea, but simply a thought pushed by our honorable Prime Minister Shri Narendra Modi immediately after becoming the Prime Minister in 2014 and is sincerely pushing the concept for debate and find out the feasibility of its implementation to synchronise the process of election, reduce the cost of elections for governments as well as for the political parties. It also saves the number of days and energy of manpower deployed during the period of elections. He also argues that if the ruling party is allowed to govern for the entire full term, it can fulfill the promises given during the elections, and the frequent elections constrained the development work and public government work can also minimise. On March 4, 2021, the Karnataka Legislative Assembly and Legislative Council discussed the 'One Nation, One Election' for two days. After the deliberations, opinions from both House forwarded to Delhi.

In the discussion, C.M. of Karnataka, B. S. Yediyurappa, stressed the need for a debate on 'One Nation, One Election, as repeated elections meant the model code of conduct forced hamper the functioning of the government and delay developmental works. During the debate on the 'One Nation, One Election' in the Assembly, it was said that though elections are inevitable in a democracy, they are expensive and time-consuming. He said there is a need to make amendments in Constitutions and The Representation of the People Act, 1951, to simultaneously hold polls. The CM said, "there will be initial hiccups, but if it is discussed at all levels, it can be debated and implemented. This will be a major challenging task," he added. Speaker Vishweshwar Hegde Kageri quoted former Election Commission S Y Qureshi, who had said -- "From the Election Commission's point of view, this is the easiest thing to happen, the voter is the same, polling stations are the same, and the security needed is the same". Kageri said. He said the discussion on the 'One Nation, One Election' was being held following our visionary Prime Minister Narendra Modi's suggestion during a meeting of the Speakers of legislative assemblies held in Gujarat. He said that in many western countries, elections take place at one time. In 2019, the LS polls and the assembly elections in three states were held simultaneously, and as per the estimation, 60,000 crores was spent.

India is an alliance with a parliamentary framework represented in the Indian Constitution that characterizes the States and the Central Government's control agreement. The President of India is Constitutionally head. Mahamahim President is the head of execution, defense, and judiciary, and the leader of the majority party in the Parliament becomes the Prime Minister and governs the Nation along with his ministers of Council. He is the head of the House. Members of parliament are those directly elected by the voters of their respective constituencies. The term of Parliament is five years, so the Parliament members are for five years until the President dissolves the body<sup>3</sup>.

India is a federation of States, Governor appointed by the Hon. President is representing the President as head of the State. The majority party leader in the State legislative assembly becomes the Chief Minister of the State, The Chief Ministry, and the Council's ministers govern the State. Members of the Legislative Assembly are those directly elected by the voters of their respective constituency. The term of Legislative Assembly is of five years, and so for the members of Legislative Assembly is of five years or until the Governor dissolves the body.

General Parliament (Lok-Sabha) and Legislative Assembly (Vidhan Sabha) elections are chosen or elected by all the adults, i.e. citizens who are above the age of 18 years. Any citizen of India who is qualified to contest the election as per provisions of the Representation of People Act, 1951 can contest the election. The candidate who procure maximum votes in first past the post (FPTP) system declared as winner.

To ensure a free and fair election in the country, an independent and autonomous body was established on January 25 1950, under Article 324 of the Constitution. Under the same Article, the Constitution entails the composition of the Election Commission of India. The Election Commission of India is responsible for holding, conducting, and monitoring the elections. The Election Commission of India has plenary powers concern with the election process.

## II. ONE NATION – ONE ELECTION

‘One Nation-One Election’ can be described as the structuring of the Indian election system in such a manner that both the elections to Lok- Sabha as well as to the State Legislative Assemblies conducted on the same day itself. In such a framework, generally, voters cast his or her vote for choosing members of the State Assembly and Lok- Sabha at the same time and on a single day as well. Further, this simultaneous election does not imply that elections across the Nation for State Assemblies and Lok-Sabha must take place on a single day. In a phase-wise approach following the electorate's ongoing practice in a specific constituency, it is cast their vote for both the Lok-Sabha and state Assembly on the same day.

In the past few days, there has been an increased momentum on the debate concerning the concept of ‘One Nation-One Election’ across the country. So, the question which arises here is what does this concept mean. The ‘One Nation-One Election’ concept means that there shall be a simultaneous election held for both the State Legislatures as well as the Lok Sabha. Now, if we talk about its proponents, one of its major proponents is the current Prime Minister of India, respected Shri Narendra Modi. This concept has also received support from President Shri Ram Nath Kovind and former President, late Shri Pranab Mukherjee.

### 2.1 History of Implementation in Foreign Countries

Several factors make this electoral process effective, including reducing elections and low chances of unfairness in the polls. Mentioned reasons boosted the prevalence of this method significantly on a global scale. Democratic countries which were going through the imbalance were fascinated by the idea after measuring its benefits. Some countries adopted this framework when they structured their Constitution, whereas some countries welcomed this framework after a slight modification in their current electoral practices.

There are various countries in which elections are conducted simultaneously. Constitution of countries like Sweden, Indonesia, South Africa, and Germany are executing their electoral processes with the assistance of the given framework.

#### **Indonesia**

The initial constitutional framework of Indonesia had a system in which elections were held separately. It increases the economic strain in the country. The country had to invest and deploy a substantial amount of its resources to execute this process flawlessly. In 2008, the country introduced a new law that stated that presidential and legislative elections were held separately. Modified law 2013 and the recent 2019 elections executed simultaneously.

#### **Sweden**

Sweden conducts two significant elections – Swedish General Elections and Elections for the European Parliament. Sweden has employed a simultaneous electoral method for selecting people for the administration. Elections of the county council co-occur with the general elections. Sweden adopted the

Constitution in 1809. It was framed for distributing the various powers for better governance among the assigned bodies. The frame was applicable until 1974. In the following years, Sweden adopted the simultaneous electoral method. Recent general elections in this country were held on September 9, 2018.

### Germany

In 1871, Germany witnessed its first election after the unification under the supervision of Emperor Wilhelm I. The abdication of Wilhelm II led to the reconstruction of the voting system. Before this incident, Germany was using a single-member constituency medium for electoral procedures. After this incident, it adopted the proportional representation way for executing its elections. The electoral Constitution of this country faced a lot of ups and downs along the way.

### Spain

Similar to Sweden, Spain also conducts its elections following European Law. The electoral law of went under modification in 1977 and 1985. These amendments provided a foundation of reconstruction procedure of the electoral Constitution. With the adoption of a proportional representation system, Spain significantly reduced its election cost and established a balance in the elections, which was the modification's motive. Spain conducts four elections, including general elections, local elections, elections to the European Parliament, and elections and regional elections. Spain, which had a complex electoral system, restructured its Constitution, creating a buzz globally. This event highlighted the importance of simultaneous elections. From this point, other countries started to consider this change to bring harmony in their election procedure.

## 2.2 History of Elections implementation in India

The notion of "simultaneous elections" is not new in the world's largest democratic country. This exercise was being practiced in India as a norm until the amendments took place in the existing election policies of the Indian Constitution. Legislative assemblies' dissolution took place in 1968, 1969, and 1970 after the amendment elections were held separately.

The election commission proposed the idea to reconsider the "One Nation-One Election" in 1983. Despite being mentioned in the Law Commission Report, its reconsideration picked up the pace when the BJP introduced it in its 2014 manifesto.

Up to 1967, they were the standard. The Lok Sabha held separately in December 1970 and, Legislative assemblies in 1968 and 1969, elections to state assemblies and parliament. Kerala broke this cycle by reorganizing elections in July 1969. It happened when the incumbent Prime Minister of India, Shri Jawaharlal Nehru, dismissed the government of Communist EMS Namboodiripad invoking Article 356.

Though opposition doesn't demonstrate to accept this constitutional framework, Shri Narendra Modi again proposed the idea and asked the NITI Aayog to devise some natural solutions to minimize the consequences and boost the implementation process for the same.

Consequently, NITI Ayog constructed a working paper on the matter in 2017. The subsequent working paper proposed by the Law Commission demonstrated some favourable points and provided some recommendations. These recommendations would be needed to fuel the implementation process of this law.

Despite the massive support from some political parties, this idea lost its momentum because of the arguments. The present situation of implementing this idea is not so harmonious if the various aspects are analyzed, including the political scenario.

## III. MERITS AND DEMERITS

Advantages	Disadvantages
Saving Government Funds	No assurance of decrease in political parties expenses
Speeding up of Development Work due to less MCC application	Negates the 'no-confidence motion' principle

Curb the Black Money menace	Less accountability of politicians
Smooth functioning of the Manpower and Machinery	Need for extensive Machinery & Resources
National perspective over the Regional perspective	Reduced focus on State elections
Less disruption to everyday public life	Election Results announcement delay
Increased voter turnout	Not fit for immature Indian electorate

#### IV. CONSTITUTIONAL AMENDMENTS REQUIRED FOR IMPLEMENTATION IN INDIA

It is known that the commencement of the “One Nation-One Election” is subject to consensus being given by all the political parties, but some constitutional amendments are required to bring simultaneous elections to the forefront. These would involve:

- **Amendment to Article 83**, which deals with the period of the Parliament Houses
- **Amendment to Article 85**, which deals with the dissolution of the Lok Sabha by the President
- **Amendment to Article 172**, which is related to the period of State legislatures
- **Amendment to Article 174**, which relates to the dissolution of State assemblies
- **Amendment to Article 356** dealing with President’s rule in the State
- The Representation of the People Act Amendment, 1951

The first hurdle in adopting simultaneous elections is the extension or curtailment of the tenure being served by the involved parties in the Assembly. The term of the State Assemblies and the House of the People is guided by Articles 83(2) and 172(1) of the Indian Constitution. The Articles state that the elected parties will serve 5 years, “unless sooner dissolved” by the State Governors and the President. Lok Sabha has witnessed the introduction of a Private member Bill which suggested amendments to the Constitution’s Articles 356, 83 and 172. Similarly, another Constitution Amendment Bill was introduced in the Council of States to discuss and understand the feasibility of simultaneous elections. The bill highlighted the need for amendments to be made to the Constitution’s Articles 83 and 172.

The changes, as mentioned above, will be pivotal in the synchronization of the elections across the House of the People or State Legislative Assemblies. Though the Constitution gives an allowance to curtail the tenure voluntarily, the phrase “unless sooner dissolved,” but the enhancement of the term can only be brought to play with an amendment to the Constitution only. In addition to the above, the Constitution doesn’t have a provision for extending the State Assemblies’ term.

Article 356 talks about the President’s rule in the State and is brought into action if the constitutional machinery fails in a State. Unfortunately, this framework cannot be used as an instrument to reach synchronization of elections and would require amendment(s) to Constitution’s Article 172. On similar lines, a new clause can also be inserted into the Article, enabling the bringing in of the desired extension/curtailment of the State Legislative Assemblies synchronizing elections.

Coming to the “Representation of the People Act, 1951” that concerns the announcement for polls to the State Legislative Assemblies and the House of the People, an amendment also required as a one-time measure, if not permanently,

As the application and adoption of simultaneous elections are dependent on multiple forces, an alternative approach can also be considered. This approach can be based on the proposition that every election due in one calendar year be conducted jointly.

It might be appropriate to amend the provisions found in Articles 174(1) and 85(1) of the Constitution under sections 14 and 15 of the 1951 Representation of People Act, 1951 to enforce this alternative approach, as this may result in a slight extension or curtailment of the tenure of several State Assemblies.

## V. PROPOSALS FOR IMPLEMENTATION

As discussed earlier, the idea of 'one nation one election' is an excellent theoretical concept. However, it is furthermore inconvenient to implement practically. The biggest challenge that comes on the way is to find a solution to synchronize the tenures of the Lok Sabha and State Assemblies for the simultaneous election. The three main hurdles identified by the critics are:

- How to integrate the Centre and State legislative elections for the first time.
- What would happen if the opposition party defeats the ruling party in the midterm in such a polling cycle.
- The various operational challenges for the Election Commission includes the different operational challenges for the Election Commission that consists of the workforce, logistics, and security requirements.

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The Election Commission put forward the idea of reverting simultaneous election in 1983 in their annual report, and in 1999 the same was supported in the report presented by The Law Commission. Ahead of the 2014 Lok Sabha election, once again, a fresh push was given in the BJP manifesto. In that regard, NITI Aayog prepared a working review in 2017 after Mr Narendra Modi came into power. In 2018, the Law Commission also presented a working paper stating that to make a start, no less than 5 constitutional approvals would be essential.

In the context of the fact that come as obstacles in implementing the simultaneous election cycle, studies try to evolve specific solutions that can make the idea feasible. Some relevant proposals of the challenges have been put forward to find a suitable outcome.

How to integrate the Centre and State legislative elections for the first time the issue is the most relevant as in the current election system, our country witnesses several polling phases for State assemblies around the year. Therefore, it becomes impractical to synchronize the State electoral cycle with Lok Sabha for the first time as neither the extension nor the curtailment of existing tenure can be possible. Hence, it denotes that implementation of the simultaneous election would involve a one-time adjustment for the terms of Lok Sabha or State Assembly.

In that context, two main questions that arise are on what basis the date/time to be chosen for initiating the concept and, secondly, on what criteria the terms of both the assemblies be synchronized to fit the same. The possible proposals for these aspects can be considered as:

- 1) It is not preferable to extend the term of a Legislative Assembly unless any unavoidable circumstances and,
- 2) To keep the minimum possible extent for curtailing the tenure for a Legislative Assembly.

The 17th Lok Sabha election held in the year 2019 had the suggestion to conduct the simultaneous polls. The proposal States to hold a shift of simultaneous polls in a phase in which the possibility of general elections, twelve State assemblies (as their ballots are supposed to be held by the end of 2018 or 2019), and a union territory can be brought aligned.

Amendments to the Constitution are required for the harmonization of the NCT of Delhi and these twelve States, in addition to political agreement and extension of terms up to 6 months. The polling can be synchronised for the remaining States and the other Union Territory of the legislature (Puducherry) by the end of 2021. Henceforth, from 2024, elections can be held simultaneously for every State Legislative, the Lok Sabha, and UTs with legislatures.

The final aspect of the challenges raised by the critics is the feasibility of conducting an election process for the Election Commission on such a massive scale in case of simultaneous election. A report indicating the quantum of such resource requirements have been considered as:

1. The total number of the electorate or eligible voters as the need to set up for polling stations depends on the total number of voters.
2. The deployment of security staff and supervising personnel requirements depend upon the polling booths.
3. Polling stations and the number of candidates contesting from that area determines the AVM requirements.
4. The transportation and storage requirements are referred to as the previous resources.

The Election Commission notes that "Indian general elections are the largest event management exercise on earth during peace times" published in the Strategic Plan 2016-2015.

## VI. CONCLUSION

The Constitution of India has fundamentally provided a federal structure of State governance. There are several government levels such as Lok Sabha and the Rajya Sabha besides State Governments, Municipal Corporations and the Panchayats. But the power is not concentrated into one hand. The concept of One Nation-One Election can essentially lead to power on the right one hand. Its significant effect has to be evaluated with its extent of influence on the Indian federal arrangement. This concept is very seductive due to today's complex and diverse political culture, where all sub-national identities have been initially removed. Voters across nations, class and linguistic barriers are voting for a solid and compatible leader. But in reality, this One Nation-One Election being a novel concept beneficial in many ways, it is undeniable that every novel concept has complexity for its implementation. There might be few or more constitutional and legal issues in the teething period. Still, they can be overcome and resolved if we stick firmly for a better future democracy and have a solid political will; political parties think only for the Nation's interest above their political interest and credit.

India, i.e. Bharat, has unity in diversity; we are a unique example of one soul with different culture, traditions, languages, food habits, different regional resources. Accordingly, issues and the problem of each State are different and crucial; we have to be definitely careful in structuring and implementing the One Nation One Election concept in a manner and way that our faith in federal structure and democracy remains intact. Nothing is impossible if our bonafide pious, and our only intention is Nation first. We, the people of India, are fortunate enough to have a great visionary and dedicated Prime Minister Shri Narendra Modi, who has pushed this concept forcefully again with a zeal to implement through public debate and following the legitimate legal process. It will not only strengthen our democracy, but it will also be an example for other existing and emerging democratic States. It will also be a great tribute to our legend frames of the Constitution. Need is of behavioural change in thought process.

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