



## Sub Theme-Constitutional Aspects and Challenges in Implementing One Nation One Election

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Date of Submission: 05-11-2024

Date of Acceptance: 16-11-2024

**Abstract:** Elections are one of the most important components for a democratic nation. The proposal of One Nation One Election (ONOE) is the most radical electoral reform which will transform the entire electoral process of the nation. It is necessary to note that the implementation of "One nation, One Election" would require constitutional amendments, legal scrutiny and political consensus, which is a complex task for the government.

It aims to synchronize the election of Lok Sabha and state legislative assemblies, which effectively means holding these elections simultaneously. Basically, it is an attempt to streamline the electoral process. This paper is a review study which focuses on the constitutional aspect, its intricacies and challenges in implementing ONOE. Proponents argue that frequent elections put a huge burden on public exchequer, human resources and impede the developmental process. It is believed that it will lead to reduction in election related expenses, promote stable governance and bolster administrative efficiency. However, the implementation of ONOE is a highly complex and arduous task. The implementation will require essential amendments in constitutional provisions and statutory laws.

Apart from this it presents logistical challenges as simultaneous election will require a wide range of paraphernalia. Another challenge is that the proposed reform raises serious concerns regarding the federal structure of the nation as these reforms are seen by critics as an attempt to centralize the electoral process. Furthermore, the technical feasibility of this reform is a matter of debate. This paper addresses all these dynamics in a systematic and comprehensive manner.

**KEYWORDS:** Electoral reform, Synchronize, Public exchequer, implementation, amendments, Constitutional, feasibility.

### I. BACKGROUND

Elections are a mainstay of democracies around the world. It is an apparatus for participatory

democracy and effective governance. In India electoral process is a complex business as the process of election in India is perennial it goes on almost every year. According to a document presented by NITI Aayog noted that there has not been a single year without an election either to state assembly or Lok Sabha or both in over 30 years. The electoral process leads to massive expenditure and use of manpower, furthermore the imposition of model code of conduct results in suspension of all welfare and developmental schemes of the government. Basically one can say that the normal process of government has come to a standstill. To tackle this situation the current government is considering pushing forward the proposal of 'ONE NATION ONE ELECTION' as a radical reform in the electoral process of world's largest democracy.

The central notion behind the idea of one nation one election is to synchronize the elections of Lok Sabha and all the state legislative assemblies, which effectively means holding these elections simultaneously. Basically it stands for streamlining the elections schedule. In the current scenario India is constantly under a perpetual electoral cycle with elections happening at various levels. This results in staggering expenditure, disruption in governance and policy making. One nation One election seeks to address these concerns by streamlining the electoral process.

Till 1967 the elections for parliament and state assemblies were held simultaneously but Due to the premature dissolution of some Legislative Assemblies in 1968 and 1969, defections and counter defections disrupted the cycle.

Subsequently the idea of conducting simultaneous elections was recommended in 1999 by the Law Commission headed by BP Jeevan Reddy it also highlighted the need to amend the constitution. In 2016 Prime Minister Narendra Modi pushed strongly the idea of simultaneous elections. Additionally the 22nd Law Commission in its 2018 draft proposed "restoration of simultaneous polls".

NITI Aayog in 2017 suggested a two-phase plan for simultaneous polls starting from the 2019



Lok Sabha elections .Currently the government formed a committee under former President Ram NathKovind to explore the possibilities of conducting simultaneous polls.

### WHY SIMULTANEOUS ELECTIONS ?

Fiscally Prudent:

The foremost rationale of the government to synchronize elections is to drastically reduce the financial burden on government, political parties and the electoral system, resulting in significant cost savings. According to news sources the 2019 General elections cost around whopping 60000 crores . The Government firmly believes that simultaneous elections reduce the burden on public exchequer. This was also reflected in the report of the parliamentary committee.

**Poll Expenditure 2019 – An Estimate**

S.No		Percent	Amount Estimate (Rs in Crores)
1.	Voter directly	20-25	12-15000
2.	Campaign/Publicity	30-35	20-25000
3.	Logistics	8-10	5-6000
4.	Formal/ECI	15-20	10-12000
5.	Miscellaneous	5-10	3-6000
<b>Total</b>			<b>55000-60000</b>

Source: CMS Analysis & Estimation

On an average, nearly Rs 100 crores per Lok Sabha constituency, has been spend. Overall, it is estimated about Rs 700 per vote was spent in 2019 Elections.

Engagement of Government officers and security forces for prolonged duration:

Conducting elections in a country like India is mammoth, complex and time consuming activity. The Election Commission takes help of government officials and armed forces for smooth and peaceful conduct of elections. The officials on such duty have to abstain themselves from their routine duties to attend elections training to conduct elections, counting etc. This leads to disruption of administrative activities.

Stable Governance: according to its proponents. Simultaneous elections can lead to more stable and continuous governance by reducing the frequency of elections, allowing for better long-term planning and policy implementation. Furthermore it will also reduce voter fatigue.

Can be more participative :

According to a study undertaken by Mr. CsabaNikolenyi, a professor at Concordia University who closely studied Indian elections argued that simultaneous elections will lead to more voter participation which will ultimately lead to higher

voter turnout. Adhering to his view simultaneously can be more participatory.

### CONSTITUTIONAL ASPECTS OF ONE NATION ONE ELECTION.

The implementation of such a reform is far from straightforward. It involves not only practical challenges but also complex legal and constitutional considerations. There are serious concerns about implementation of ONOE in the legal and political arena. There has been a range of opinions regarding the technical feasibility and motive of simultaneous elections.

The scheme of simultaneous elections is not possible in the current framework of the constitution, it will require some essential amendments in the constitutional provision to implement this scheme. However it should be done in such a way that it doesn't alter the basic structure of constitution

### NECESSARY AMENDMENTS REQUIRED IN CONSTITUTIONAL PROVISIONS:

Fixity of Tenure: *Article 83 and 172* of the Constitution of India provides for tenure of both Houses of parliament and state legislative assemblies respectively i.e five years . This tenure can only be extended in case of Emergency but can be dissolved earlier. The need is to fix the tenure of parliament and assemblies. For instance if a government falls before the completion of its term the next government should only govern for remaining terms. One can find this precedent in the Fixed terms Act, 2011 of the United Kingdom.

*Article 85(2)(b) and 174(2)(b)* which deals with the dissolution of Lok Sabha and state assemblies by president and governor respectively. In this regard there must be proper guidelines to discourage Mala fide premature dissolution of state assemblies. The apex court laid down certain guidelines circumscribing the conditions for proclamation of President's Rule by the Union government.

In Parliamentary democracy the executive is responsible to the legislature and remains in power as long as it enjoys the confidence of house. A motion of no confidence of passed in Lok Sabha or state assembly will lead to fall of government (*Article 75 & 164*). In this context government can adopt the German constitutional provision of 'Constructive Vote of No-Confidence ' by which Bundestag (parliament) can use no confidence motion against Chancellor if there is a positive majority for a successor. It makes removal of the Chancellor a complex process thereby maintaining stability of the elected government.



Apart from this The Representation of People Act 1951 which covers various modalities of conducting elections in the elections also needs revision. Another aspect is to streamline the duties of Election Commission of India (ECI) and State Election Commission (SEC)

The bottom line is that implementation of such radical electoral reform requires various amendments and revision in provision and statutory laws. Apparently To implement "One Nation, One Election," constitutional amendments may be required. These would need broad political consensus and a special majority in Parliament (two-thirds majority in both houses) and ratification by at least half of the state legislatures as it involves the federal character of the constitution.

Overall, the constitutional aspects of "One Nation, One Election" are complex and require careful consideration, taking into account the federal structure of the country, representation of states, and the logistics of implementation.

### **CHALLENGES IN IMPLEMENTING ONE NATION ONE ELECTION.**

#### **A BLOW TO FEDERALISM**

The most important challenge is that simultaneous elections are a threat to the federal structure of the nation. It is an attack on the autonomy and independence of state governments. This will not only weaken the federal structure but also increase the rift between the Centre state relations. According to its critics it is an attempt to centralize the electoral process which will ultimately undermine the federal character of Indian polity.

#### **ISSUES WITH SYNCHRONIZATION**

Synchronizing the elections at different levels of government is a challenge. Alignment of legal provisions, electoral rolls and administrative processes for simultaneous elections at all levels of government is a daunting task for ECI.

#### **LOGISTICAL CHALLENGES FOR ECI**

There are mammoth logistical challenges in implementing the reform. For instance one voting machine is being used at every polling station for taking a poll. For holding simultaneous elections, the requirements for EVMs and the VVPATs will double, because for every polling station, the ECI has to provide two sets (one for election to the Legislative Assembly and second for that to the Lok Sabha). According to an estimate around 12 to 15 lakh EVMs are currently fit for use. But when simultaneous elections are held around 30 lakhs EVMs will be required. There will also be an

additional requirement of the polling staff and security personnel. Another dimension according to ECI is difficulty in preparing 78 crore electors as there is lack of uniformity in preparing electoral rolls by State election commission.

#### **TECHNICAL FEASIBILITY ISSUES**

There are several questions regarding the technical feasibility of One nation One Election.

-How would the government synchronize the electoral cycle as tenure of every state varies?

-How would the tenure of Assemblies/Lok Sabha be synchronized for the first time?

-What would happen if a state government collapses mid way?

-Would it be feasible to extend or curtail the existing terms of some State Assemblies to facilitate the reform?

#### **REDUCE DEMOCRATIC ACCOUNTABILITY**

Adhering to former Chief election commissioner SY Qureshi's opinion, simultaneous elections will harm democratic accountability as recurrent elections ensure political accountability. He said "The festival of democracy is the festival of the poor as the vote is arguably the only power they have". Frequent elections keep elected representatives on alert.

#### **REGIONAL PARTIES WILL BE AT A DISADVANTAGEOUS POSITION:**

It is believed that Regional parties will be at a disadvantageous position in synchronized electoral cycles as voters are likely to vote one way thereby giving the dominant or national party the central advantage. Basically it will lead to 'Voter Congruence'. It will certainly give an edge to national parties as national issues will overshadow Regional issues. Also, according to IDFC, there is a 77% chance that the Indian voter will vote for the same party for both the state and Centre when elections are held simultaneously because India is a union of states and the central government allots exorbitant money to the government of the same party in the states.

#### **DIFFICULTY IN ACHIEVING POLITICAL CONSENSUS.**

Achieving political consensus among various parties, especially those in opposition, can be difficult. Opposition parties might perceive this reform as an attempt to gain a political advantage and resist its implementation. Opposition parties already termed it a political agenda of the government for electoral gains.

However, there are some feasible proposals that show that it is possible to go for simultaneous



Elections. For example, NITI Aayog's proposal, Election Commission of India and Law Commission (Aug 2018) proposals include a feasible model for all these questions. Therefore, the real issue is to bring the concerned stakeholders and political parties to agree to the idea.

## II. CONCLUSION.

The Proposal of ONOE stood for a radical change in the electoral process of the nation. Undoubtedly simultaneous elections are financially prudent and beneficial for the electoral health of the country, nevertheless its implementation is a complex task for the government. Both from the point of view of technical feasibility and logistical challenge. Before implementing such a reform, the government should conduct some more critical studies in a comprehensive manner and consult all the stakeholders such as political parties. As ONOE will have several far-reaching consequences for India's democratic framework. Ultimately this scheme of simultaneous elections is going to be a big step that can reboot the democratic polity of India. The most remarkable point is the Constitution provides sufficient room to make amendments to suit the changing times and needs of the country.

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