

ONE NATION ONE ELECTION: THE NEED OF HOUR

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Abstract

"Say of the Individuals" in nation's decision-making is guaranteed by a democracy. India, being the torch-bearer of world's democracy with efficacious electoral management system and structured elections works on the principle of the adult franchise. The onus of free and fair elections at Union, regional and local level rests on Election Commission of India. The continuous debates for simultaneous elections needs a stringent actions. One Nation One elections attracts positives outcome of saving of public money and continuous working of governmental machinery. The challenges and constitutional reforms needs a quick redressal for effective implementation of concept in electoral framework. The present paper discusses the federal structure of India along with benefits and basics of simultaneous election in a great detail.

Keywords: Elections, Federalism, ECI, Constitution, ONOE

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1. INTRODUCTION

The growing population, diversity in people and changing modern politics has boosted the concept of democracy in the world. A democracy ensures “say of individuals” in decision making process of country. It promises good governance as per the needs and requirements of large mass of the population. A direct form of democracy involves citizens of the country directly while an indirect form of democracy gives power to people to choose their representatives for making rules, regulations and legislations. The concept of democracy is said to have originated in Greek during 507-508 BC. Democracy makes society equal through uniform participation by all the strata of society. Democracy of any nation is largely influenced by its political history, freedom struggle, traditions, culture, linguistic diversity, and civic education. It works on the majority rule where the political party with maximum votes share lead the nation as per the expectations and hopes of people at large. A democratic society conducts periodical elections in a competitive manner with fairness and transparency. Democracy makes human values and fundamental rights visible in society. Democracy is regarded as the only means that give voice to the last man

standing to hold an opinion in law making process. Democracy is a continues flexible process that opposes an autocratic rule by giving utmost power to the citizens of country. Democracy makes the elected government serve with zeal for retaining the power in future course of election. The change of power is an intrinsic feature of democracy that adds an accountability factor to the governmental machinery to perform with efficiency, effectiveness, and efficacy. A healthy democracy fills the office of president/ prime minister by a popular leader with a strong vision to uplift the country.

The present-day democratic system is not only limited to power-sharing but is seen as a major contributor in the development of a nation. It lays down a strong present and future of any nation. A healthy democracy leads to a stronger economy and better infrastructure in a country. Democracy even impacts the bureaucratic system leading to easy decision making and their quick implementation. In addition to economy and bureaucracy, another factor that holds a direct nexus with democracy is the freedom of press. A democratic form of government allows freedom to speech and expression in country. This freedom is practiced for keeping a check and balance on government

through healthy criticism and dissent of governmental actions. Lastly democracy is seen as the biggest source of establishment of rule of law in the country. It gives law the supreme authority by directing law makers to protect and promote citizen's civil rights. At the global level, democracy promises cordial relations between nations. Thus, democracy of 21st century is a multi-dimensional concept that shape the nation in a progressive way leading to a just society.

2. INDIA'S STAND ON DEMOCRACY

India being the pioneer of democracy in world holds periodical election on the basis of universal adult franchise where all individual above eighteen years of age cast their vote and participate in electoral process. The constitution of India enshrines country as a sovereign democratic republic. Inspired by the freedom struggles, the founding fathers of constitution were very much clear in creating India a truly democratic state by authorizing the citizens of country to participate and contest elections. Democracy is preached in India through a parliamentary system with Prime Minister and Council of Ministers aiding and advising the President of country who is the ceremonial head of state. India's democratic structure is highly influenced by the British Westminster's

system, with legislative actions being performed by the parliament of country divided into two houses, the Lok Sabha and Rajya Sabha. The federal principle of Indian Constitution establishes a strong center-state relation for efficacious implantation of welfare policies in a country with diverse language, religion and casts. The regional machinery consists of legislative assemblies, legislative council, panchayat, and municipalities to carry out the welfare of people at large. This multi-government structure functions in a synchronized manner for achieving the common good. Political equality and justice form the core values of Indian democracy with equal voting rights being shared by different sects of people. The political sovereignty rests in the citizens of country for choosing the best representatives who holds an accountability to the people for the work undertaken and delivered during their tenure of service. The Indian democracy is seen as liberal democracy with rule of law giving freedom of preference to people and promoting healthy electoral spirit. India for maintaining its democratic status work round the clock on people's wisdom for marking their successful say in the governance process. Recent democratic innovations through political awareness, educated voters, social

media campaigns and active youth participation has made India's democracy better spirited. Today democracy promises strong independent institutions and social equality among marginalized sections of society.

3. ELECTIONS IN INDIA

A vibrant, growing, and active electoral system is hallmark of India's shining democratic arrangement. Election legitimizes democracy in the country. They are source of power-shift from one individual to another or from one political party to a new party. Democracy exists over Indian soil because of continues, transparent and free elections. The election commission holds the complete responsibility of conduct of elections in India. The commission works as an independent autonomous body to oversee the complete working of the electoral process. The election at each level is conducted through use of electronic voting machine and VVPAT for a productive elections. The nation follows first past the post system of elections through which each party gaining majority mark either solely or through coalition forms the government at national, regional level and local level. A series of democratic practices, regulations, guidelines,

provisions, and dozens of workforce of ECI makes elections a great success.

3.1 GENERAL ELECTIONS IN INDIA

The general elections are the biggest elections in the country. These elections make way for political stability by choosing a steady Prime Minister and council of ministers. The exercise of general elections covers all 28 states and 9 union territories by choosing a total of 552 candidates for the lower house. The basic document that establishes and governs the working of lower house is the Constitution of India. Further The Representation of People's Act provides for legal framework for smooth conduct of Lok- Sabha polls by giving provisions as to qualification of candidates, preparation of electoral rolls, electoral offences and disputes in matter of elections. The country got its debut Lok Sabha in April 1952 with the first successful General Elections concluding in a timeframe of hundred and fifty days. The Indian National Congress (INC) stormed into power in the first Lok Sabha elections with 245 seats in its kitty¹. The nation gave five consecutive chances to

¹ History of Lok Sabha Elections *available at* <http://www.smetimes.in/smetimes/general-elections-2009/miscellaneous/2009/Mar/23/history-of-lok-sabha-elections5584.html/> (Last Visited on July 28, 2023)

congress to control government with clear and loud support. To date the nation has witnessed seventeen Lok- Sabha elections. The period of 1970's witnessed the emergence of coalition and non- congress dominant government in country with Shri Morarji Desai swearing as prime minister in 1977. The period of 1980's and early 1990's saw sudden shift in transfer of power with short-term governments lead by Shri Charan Singh, Shri VP Singh, Shri Chandra Shekhar and Shri H.D Deva Gowda. The thirteenth Lok Sabha made Shri Atal Bihari Vajpayee of BJP the first non-congress Prime Minister to complete a full steady term of five years. The current government of National Democratic Alliance under the leadership of PM Modi assumed power in 2013 and holds presently 350 members in the lower house.

3.2 ELECTIONS TO THE OFFICE OF PRESIDENT AND VICE-PRESIDENT

The constitution through part V creates the position of President and Vice-President and describes the manner of election to the positions. The President and Vice- President are not directly chosen by the citizens of country but are elected by the way of an electoral college through the means of secret ballot consisting of elected representatives of parliament, and state assembly for president

and only the representatives of parliament for vice-president. To add in this, The President and Vice-President Election Act 1952 and President and Vice-President Election Rules 1974 are the supplementary provisions that give insight regarding process of nomination, counting of votes, participation of voters and offences attached to elections of President and Vice-President of country. The President of India is the first citizen of country while the vice president is the second in command to the president. The office of President and Vice-President are the apex portfolios that regulation the working of country. Till date India has witnessed fifteen President and fourteen Vice-Presidents so far.

3.3 STATE POLITICS IN INDIA

The federal structure of India makes state elections an important aspect for decentralization of power and representation of regional interests. The biggest advantage of state elections is advocacy of state-specific matters and policy implementation of state needs. The initial years of independence saw the formation of a series of interim governments and linguistic states. The real face of state politics came in 1980 with Telugu Desam party, a regional party from the state of Andhra Pradesh emerging as main opponent at union level. The

regional politics impact the upper house (Rajya Sabha) with representatives from different states of different regional political parties raising local issues and agendas of state at the central level. These regional parties further add competition to national parties in states by giving a strong alternative to people to go beyond traditional national parties for better governance in specific states. For recognition of any party as state party, the party shall secure: - 1) at least 6% votes in state assembly or shall have two representatives in assembly or 2) at least 6% votes in LS polls or shall have one representative in lower house. At present fourteen Indian states have chief ministers from state recognized parties governing the government.

4. POLITICAL PARTIES IN INDIA

The political parties are an inseparable part of India's democratic electoral system. These parties field candidates for effective exercise of elections. Different political parties with unique symbols hold different ideologies based on caste, language, religion, region, ethnicity, and cultural diversity. Each party has a constitution for deciding the key central leadership positions and governance of the party. Further it is mandatory for each party to have an internal democratic system

for fairness and translucency in the decision-making process of party. The symbol of a political party is regarded as the identity of the party. With more than 2000 registered political parties in the country these electoral symbols are regarded as the easiest way of recognition of a political party. The party symbol in India is largely inspired by common use daily items regularly used in human life. Some of the common party symbols in country are: -lotus flower (Bhartiya Janta party), elephant (Bahujan Samaj party), hand (Indian National Congress), Clock (National Congress party), Cycle (Samajwadi party), arrow (Janata Dal), broom (Aam Aadmi party), bow and arrow (Shiv Sena), flower & grass (All India Trinamool Congress). The placement of unique electoral symbols over on EVM, billboards, placards and pamphlets help in easy and convenient identification of candidate of a party.

The process of registration of association of persons as a political party's rests completely on ECI and is clearly defined under Part IV-A of Representation of People's Act 1951. The political parties are characterized as national or regional parties by Election commission based on their performance in elections at central, state and local level. To

keep a check and balances over the contributions of party, each political association through its treasurer has to make full disclosure of financial reports of funds received excess of twenty thousand through individuals/companies each year to the commission. The political parties in India holds the complete responsibility of giving a shape to the democratic fabric by advocating voice of interests' common mass in policy formulation of the country.

5. THE BASICS OF ONE NATION ONE ELECTION.

One nation One election means streamlining the election of parliament, state assembly and local government into single units for better efficacy in the conduct of electoral process. The basic rationale behind the idea is to stop multiple elections at different times and make the government at different levels work in synchronized way for public welfare and policy implementation. The federal structure of India creates a center-state relationship where elections are held at different intervals for different levels thus, disturbing the whole process of governance in the country. With elections of union and state at similar time, both the central and regional government will work in a better synchronized way leading to effectiveness in

decisions and progressive development of all the regions. Thus, one nation one election will support the basic feature of federal character of constitution.

The idea of One Nation One Election is not new to the Indian soil and was practiced in India from 1952 till 1967 however post the period different elections at different levels became a common norm due to dissolution of state assemblies on different occasions because of lack of majority mark and people's trust. This practice of different elections involves continuous and tireless working of ECI by spending crores of rupees to conduct Lok- Sabha and Vidhan Sabha elections at regular intervals. The elections of parliament, state assemblies and local government are a direct election that involves crores of voters directly choosing their representatives. The multiplicity of elections involves continuous campaign and involvement of popular leaders, thus disrupting the whole governance mechanism. Further to add, the logistic management and corrupt practices count bigger disadvantage to the fairness in electoral machinery.

The recent talks about the issue of One Nation One election by Hon'ble Prime Minister at Voter's Day in 2022 and earlier in All India Presiding Officers Conference at

Constitutional Day in 2020 has made the issue in discussion at different political platforms. The 170th Law Commission report in 1999 talked in favor of one nation one election. This was further supported by 79th (2015) Parliamentary Standing Committee. A recent step in the line of simultaneous votes was the Election Commission decision dated 23rd December 2022 to ask AIADMK's opinion over conduct of simultaneous election of parliament and state². In a petition by Ashwini Upadhy in Delhi High Court in 2023, Hon'ble court made ECI the only authority to conduct simultaneous elections post amendments in constitutional machinery by the legislative body.

Globally, South- Africa and Sweden allow one vote for multiple elections at federal and provincial level. The latest in the league is Indonesia that has initiated multiplicity of elections at same time post 2019. There have been fruitful results of adoption of one nation one vote in these nations making way for further democratic forums to adopt the system.

² "Law Commission seeks AIADMK's views on One Nation, One Election", The Hindu, December 28 2022, available at <https://www.thehindu.com/news/national/tamil-nadu/law-commission-seeks-aiadmks-view-on-one-nation-one-election/article66314308.ece> (Last Visited on July 29, 2023)

5.1 BENEFITS ATTACHED TO SIMALTANEOUS ELECTIONS

Some of the major advantages attached to one nation one election are follows:

- **Cost Efficiency-** One of the major advantage of simultaneous election is reduction in monetary expenditure for conduct of election. Every election involves hundreds of crores for success of elections. With simultaneous elections of different levels better funds utilization can be done leading to saving crores of taxpayer's money.
- **Political Stability-** With multiple elections and multi-party system, each political association tries to gain maximum with regular participation of party leaders in elections campaigns, rallies and political discussion. With one nation one vote, the political parties and politicians can better focus on policy formulation and implementation. Thus, leading to strong decision-making process in the country.
- **Lower Electoral Corruption-** Each election in India involves electoral corruption in form of buying of votes, free distribution of materialistic

items, vote rigging etc. To keep a vigilant check over all these corrupt practices, simultaneous elections of different elections is the only possible solution. With single election better vigilance is possible by competent authority making transparent and fair elections possible in the country.

- **Voter's ease and awareness-** Lower voter's turnout in elections is a major hurdle in present day democratic arrangement in India. With simultaneous elections of different levels, increased participation by large mass of people will be possible. With frequency of elections every two years, voter's disinterest and fatigue is seen in recent elections in every part of country. Single elections will create a brighter picture of increased awareness and participation among all sections of society.
- **Good Governance-** With one nation one election, the continuity and stability of union and regional government at similar timeline will add to better governance process at both central and state level. Disruption due to regular elections hinders decision making process and

implantation of policies leading to slow progress. Thus, uniformity and simultaneous elections at each level will foster fulfillment of promises and easy growth with steam-lining of decision-making process.

- **Better Election Management-** The Election Commission holds the complete responsibility of conduct of elections. From preparation of electoral rolls to counting of votes, the onus rests on ECI. Regular elections make the working of commission a tiresome, complex, and expensive process. The implementation of simultaneous elections will add administrative simplicity and efficacious coordination in the conduct of election by commission. This will also make staffing of personnel and logistics management easy and less-expensive.
- **Sustainable and Long-Term Goals-** The long- term of periodical election cycle leads to futuristic planning for achievement of sustainable and long-term goals. Governments at different levels can institutionalize better democratic values and reforms for upcoming generations in nation.

5.2 CHALLENGES AHEAD

Implementation of the concept of one nation one election is not an easy process. The regional diversity and political party dynamism makes simultaneous election a long way journey. The biggest and major problem associated with one nation one election is the dissolution of governments at different levels in various states with the consent of elected representatives. The difference in timeline of elections makes different terms of regional and local representative in various parts of the country. A common consent by newly elected representative will be a tedious task. The second problem attached to the simultaneous elections will be overshadowing of local and regional issues with prioritization of national issues. The national parties will try to showcase national interests over regional issues making them weak and causing a confusion in the mind of voters. The election at various levels will dilute small area specific issue adding a hinderance to progress and development of regions. The third concern in one nation one election is lack of education and awareness among voters. The political illiteracy is lacuna which needs a permanent solution. With

single elections, many voters will remain uninformed about their importance and manner of voting. Furter a common national wide consent of pupils and political parties will be required for bringing this drastic change in the electoral framework. Lastly, the next big challenge that relates to the concept is burden attached to ECI in proper functioning of election with increased demands of resource.

Each of the above-mentioned problems has a feasible solution. The best suited solution to the first hurdle of dissolution of regional governments is extension of period of legislative assemblies across the nation for completion of minimum 2.5 years of service of each state assembly. For the second problem of diversion of local issues with national issues, legal framework shall be developed for separate manifesto by each political party for local and national interests. Thirdly, for addressing the awareness and education problem ECI, government, media houses, political parties, and NGO's needs to take responsibility of making the citizens realize the need and importance attached to simultaneous elections. The last problem of infrastructure and resources rests on election commission. The commission needs to utilize funds for creation of resources like

EVM's etc. Initially it will create an additional burden of public expenditure on ECI but in later years it will reform the whole electoral process.

5.3 LEGAL FRAMEWORK REQUIRED FOR ONE NATION ONE ELECTIONS.

For implementation of ONOE, few amendments are required in The Constitution and The Representation of Peoples Act 1951. These modification required are as follows:

- **Constitutional Changes:** The first and foremost modification is required in Article 85 and 172(1) which deals with the term of Lok- Sabha and State Assemblies. Then the President and Governor of each State needs to dissolve houses at both union and regional levels by use of Article 85(2) (b) and 174(2) (b) respectively. These changes and usage of constitutional provisions will end the working of assembles making simultaneous elections possible in India.
- **Representation of People Act 1951:** By exercising power under Section 169 of act, the Election Commission of India needs to notify simultaneous

election of union and state. Further the commission needs to use Section 14 and 15 for initiating elections of House of People and State Legislative Assemblies at same time. By utilization of these provisions, one nation one election commission will make a progressive step for ONOE.

- **Representation of People Act 1950:** The amendment in Part II-B and III of act will lead to preparation of common electoral rolls for simultaneous elections. Through changes in Part II-B and III, Section 13D to 15 will be modified making way for one electoral roll for the whole of the country.

All these amendments with legislative support will give way for stream- lining of electoral process making one nation one election a reality in India. With these changes, Election Commission of India will become more powerful with expansion of its powers and functions in coordinating electoral process. The early years of ONOE will be tough for nation but the results in future will make democratic and federal structure robust and impactful.

6. CONCLUSION

In a nutshell, one nation one election will be a boon for India. Holding simultaneous elections will lead to a fair democratic process with reduction in overall expenditure. Although initial difficulties needs a quick redressal but the streamlining of centre-state elections will secure a bright future of electoral management system in the country. The constitutional and legislative amendment are also a mandatory condition for making simultaneous elections possible on Indian soil. The raising voice of “one nation one election” and recommendation of law commission report needs an immediate implementation of concept for maintaining continuity in working of governmental machinery and effective implementation of moral codes of election commission. The decision of simultaneous elections will complete transform the electoral process and require support from every citizen of the country. The politicians, election commissions and welfare societies should take the initiative of spreading awareness on the issue. The initial step in direction of this major change can be conduct of simultaneous election of state assembly with municipality and panchayat in few Indian states. This will give a real picture of underlying challenges for implementation of the big change of concurrent elections at federal and provincial

level. The implementation of “One Nation One Tax” in the form of GST and “One Nation Curriculum” under the banner of NEP 2020 has eventually cleared the road for successful execution of One Nation One Election in the country.