



RSTV SUMMARY: ONE NATION ONE ELECTION

- **Context:** A committee will be formed by the Modi-led-government to prepare a roadmap for “One Nation, One Election”. This was decided as a result of an all-party meet that took place to deliberate on the issue. Further, 11 key parties skipped the meeting. PM Modi stressed that this formula needs to be accepted even if it takes 10 years to achieve synchronization.



- **What is Simultaneous Election?** Simultaneous Election entails elections to all the three tiers of the Constitutional institutions i.e. Lok Sabha, Vidhan Sabha and Local bodies taking place in a synchronised manner. What this effectively means is that a voter casts his or her vote for electing members to all the tiers of the Government on the same day. But number of 3rd tier is too large and conduct of election to the same is primarily a State subject. Therefore, it would be extremely challenging, if not impossible, to synchronise and align election schedules of third tier with that of the House of the People and State Legislative.
- **Background:** The need for having synchronised elections to the House of the People and State Legislative Assemblies has been debated for long. The issue gained momentum with the matter coming into the limelight at various forums of the Government. If the history of elections in India is looked at, from 1951-1967, general elections to the House of the People and all the State Legislative Assemblies were held simultaneously. However this practice got disrupted after 1967, due to premature dissolution of some of the Legislative Assemblies in 1968 and 1969 and the House of the People in 1970.
- **Why the debate?** The main reason behind the synchronised elections till then was the dominance and rule by one National political party and the regional parties were not powerful and influential. The indiscriminate use of Article 356 of the Constitution also contributed to disruptions of simultaneous elections. However, with the change in Indian polity, the regional political parties not only have increased in number, but have also marked their presence in the elections to the concerned State Assemblies. At present, the scenario is that at least one part of the country is witnessing an election throughout any given year. Here, the example of Delhi is relevant, which witnessed two Assembly elections and one general election between 2013 and 2015. Similarly, in a span of three years (2014- 2016) the country witnessed one general election and 15 State Assembly elections. These facts corroborate that the country is continuously in an election mode and the time has arrived to highlight the need for simultaneous elections as against the fragmented and staggered election cycle prevalent currently, which continuously engages the attention of lawmakers and the public alike.
- **Discussions available on simultaneous elections:**
 - The *Constituent Assembly* did not discuss the issue of simultaneous elections as such. However, during the discussion on Article 289 of the Draft Constitution, Prof. Shibban Lal Saksena, stated as under:
“Our Constitution does not provide for a fixed four years election cycle like the one in the United States of America. The elections will probably be almost always going on in some province or the other. Our Constitution provides for the dissolution of the Legislature when a vote of no confidence is passed. So, it is quite possible that the elections to the various Legislatures in the provinces and the Centre will not be all concurrent. Every time some election or other will be taking place somewhere. It may not be so in the very beginning or in the very first five or ten years. But after ten or twelve years, at every moment some election in some province will be going on.in our Constitution all the elections will not synchronise but they will be at varying times in accordance with the vote of no-confidence passed in various Legislatures and the consequent dissolution of the Legislatures.”
 - In 1983, the *Election Commission of India* in its First Annual Report recommended holding simultaneous elections for the House of the People and the Legislative Assemblies of States.
 - The *Law Commission of India* in its 170th Report on “Reform of Electoral Laws” (1999) recommended holding simultaneous elections as a part of electoral reforms. The Commission noted that after 1967 holding of elections to the Lok Sabha and State Assemblies simultaneously got disrupted for several reasons such as frequent resort to Article 356 of the Constitution, the dissolution of the State Assembly by the Governor on recommendation of the Chief Minister of the State etc. The Commission observed that it is true that all the situations and eventualities in which Article 356 may be resorted to cannot be foreseen.



Therefore, holding of separate elections to State Legislative Assemblies should be an exception and not the rule. The rule must be one election once in five years for Lok Sabha and all the Legislative Assemblies.

- *National Commission to Review the Working of the Constitution, 2002* suggested a viable course of action that could be adopted in case of Hung House in consonance with a constructive vote of no-confidence.
- *In 2015, the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice* in its 79th Report suggested to hold simultaneous elections for long term good governance.
- *In January 2017, NITI Aayog* prepared a working paper titled “Analysis of Simultaneous elections: the What, Why and How” in which proposal to conduct elections to the House of the People and the State Legislative Assembly, simultaneously was deliberated upon. The report indicates the desirability of holding simultaneous elections on more than one count. These reports also point out that heterogeneous needs of the nation will get reflected as national parties will be contesting elections focusing on regional issues and regional parties focusing on national issues, thereby bringing the regional parties into mainstream politics and promoting their growth.
- *Presidential Addresses:*
 - Pranab Mukherjee: The time is ripe for a constructive debate on electoral reforms and a return to the practice of the early decades after Independence when elections to Lok Sabha and state assemblies were held simultaneously.
 - Ram Nath Kovind: Frequent elections put on hold development programmes, disrupt normal public life and impact essential services and burden human resource with prolonged periods of election duty.

• **International Scenario:**

- In *South Africa* elections are held for National Assembly, Provincial Legislature and Municipal Councils in a five-year cycle.
- Elections to *Sweden's* County Councils and Municipal Councils occur simultaneously with the general elections.
- Elections for the Federal Parliament in *Belgium* are normally held every five years, coinciding with the European (and consequently also regional) elections.
- The Constitutional Court in *Indonesia* held that Indonesia will hold the presidential elections and legislative elections concurrently starting 2019.
- The system prevalent in *Germany* is that the Bundestag (i.e. Lower House) cannot simply remove the Chancellor with a vote of no-confidence. The constructive vote of no-confidence puts an embargo on ousting the Chancellor as the opponents must not only disagree with his or her governance but also agree on a replacement. The Bundestag may express its lack of confidence in the Federal Chancellor only by electing a successor with the majority of its Members and requesting the Federal President to dismiss the incumbent.
- Simultaneous elections, in one form or the other, do exist in various parts of the world. Countries like Philippines, Brazil, Bolivia, Columbia, Costa Rica, Guatemala, Guyana, Honduras, Nicaragua, follow a system of simultaneous elections. However, these countries follow Presidential form of Government and the election of President and the elections to the Legislative are held together.

• **Arguments in favor of Simultaneous elections:**

- *The massive expenditure that is currently incurred for the conduct of separate elections:* Considerable savings on the colossal avoidable administrative and other expenditure incurred on account of holding of separate General elections.
- Substantial economy through revision of electoral rolls for the House of the People and the State Legislative Assemblies simultaneously instead of undertaking them on a countrywide basis twice over in two different operations.
- *Burden on crucial manpower* that is deployed during election time: For the conduct of elections, civilian personnel running into about twenty-five lakhs of officers and staff and a few lakhs of police personnel are deployed every time for about two to three months thereby seriously affecting their normal duties.
- *The policy paralysis* that results from the imposition of the Model Code of Conduct during election time: During elections whether for the Lok Sabha or the Assemblies, the entire administrative set up throughout the country slows down considerably and all other normal functions and activities of the Government, including developmental work, are pushed to the background. These create a lot of hardships and sufferings to the common man. The situation continues for about 2 months during the conduct of every General election.
- Whereas changes in the administrative set up including transfers that become necessary in the normal course are not permitted under the broad guidelines issued by the Election Commission, there are considerable pressures prior to the issue of the notification calling for a general election, to make wholesale changes, particularly at the district level.
- On account of the de-linking of the general elections to the House of the People from that of the State Legislative Assemblies, there is a duplication of the expenditure incurred by the candidates contesting elections and political parties which results in the pumping in of considerable resources, thereby indirectly affecting money supply in the economy. Further by such delinking, the candidates at Parliamentary election need more money and resources to fight the election singlehanded over a wide area without the backing and co-operation of companion candidates of the assembly segments. This also, it is suspected, tends to lead to difficulties for the candidates in keeping within the ceiling for election expenses.
- The dismantling of the temporary but complicated superstructure raised for the purpose of election by accretion of huge personnel is required to be done at the earliest and smoothly as of putting up the super-structure, and normal conditions should be restored quickly. In this respect also, simultaneous elections would be highly desirable.



- *Impact on delivery of essential services:* Holding of political rallies disrupts road traffic and also leads to noise pollution. If simultaneous elections are held, this period of disruption would be limited to a certain pre-determined period of time.
- **Arguments against Simultaneous elections:**
 - Holding simultaneous elections will bring with it certain requirements as given below:
 - i. Curtailment and extension of terms of the House of the People/ State Legislative Assemblies;
 - ii. Amendment to the relevant provisions of the Constitution
 - iii. Amendment to the Representation of People Act, 1951
 - iv. The ratification by the States to these Constitutional amendments.
 - Once the elections are synchronised i.e. simultaneous elections are restored, it will be necessary to ensure that the synchronisation continues and does not get disrupted. Disruption is likely to take place on the following grounds which need to be taken care of: No-Confidence Motion, Hung Parliament / Assembly, Budgetary Defeat.
 - After taking care of the impediments and possible causes of disruptions to the House of the People / State Assemblies, in order to ensure the continuity of cycle of simultaneous elections, it is also important to deal with the concept of 'remainder term of the House'.
 - *Scarcity of resources:* In India, there is a great scarcity/ limited resources and the area is quite large as well as population is vast so it would be quite difficult to control and govern all things at the same time. If both the elections will happened at same time, large number of police force is required at the same time and there are chances of riots.
 - *Centralisation of power:* One Nation one election shouldn't be there as it will lead to centralization of power and decrease power of states. There will be no opposition and it can lead to monopoly of power in few hands. For the growth of a nation opposition parties are necessary to take a decision.
 - *Awareness of one nation one election:* People are not aware of one nation one election policy. There is need to make people aware and to make their mind prepare for the election because in India, people are habitual in giving votes in different elections.
 - *Difficulty in implementations:* If all elections will be happened at the same time, it will be difficult to implement policies by election commissioner smoothly and there may be chances of some irregularities or malpractices which will be again challenged by defeated party in court or in public and it will go on.
 - *Adverse impact on nation:* If there is only one leader ruling the whole nation and if that particular party is corrupt then it can lead to adverse effect on the whole nation. If people are not satisfied with administration of one party and want to change the minister of states/centre it would not be possible for them and they have to bear one government for five years.
- **The Way Ahead:**
 - Law Commission had recently released a white paper on simultaneous elections. Some of the recommendations are:
 - A definition of simultaneous elections may be added to Section 2 of the 1951 Act.
 - Article 83 and 172 of the constitution along with sections 14 and 15 of the 1951 Act should be amended. This would mean that the new Lok Sabha and assembly, constituted after mid-term elections, shall be only for the remainder of the term.
 - The Anti-defection Law' laid down under paragraph 2(1) (b) of the Tenth Schedule of the Constitution be removed as an exception to prevent stalemate in the Assembly due to Hung Parliament.
 - Sections 14 & 15 of RPA, 1951, be amended to extend the statutory limit of 6 months for the issuance of notification of general elections to provide the flexibility to Election Commission in conducting the simultaneous elections.
 - An alternative to premature dissolution of assembly due to no-confidence motion could be that the members while moving such an option may also put forward an option for forming an alternative government.
 - Prime Minister/Chief Minister may be elected to lead the Lok Sabha/Assembly, by full house like electing the speaker of the Lok Sabha, providing stability to the government.
 - An amendment of the rule of no-confidence motion (Rule 198 of Rules and Conduct of Business of the Lok Sabha), on the lines of the German Constitution.



The Way Ahead

Niti Aayog refers to UK which enacted the Fixed-term Parliaments Act, 2011, mandating completion of a term of Parliament before general elections are held

Recommends dividing states and union territories into two groups for simultaneous polls

Says the term of 14 states in the first group commence in April-May 2019	For the remaining 17, it can be from Oct-Nov 2021
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Says fixed terms can be implemented by "suitable amendments in the Constitution and the applicable statutory framework"

- Recommendations of Parliamentary Panel:
 - Elections of legislative assemblies whose term ends six months before/after the general elections to Lok Sabha should be clubbed together.
 - Elections should be held in two phases. In 1st phase, elections to almost half of legislative assemblies should be held during the midterm of Lok Sabha and remaining elections should be held with the end of term of Lok Sabha.
 - To hold early elections to state legislative assemblies along with other states/Lok Sabha, a motion for an early general election or a no confidence motion must be passed by the House.
- **Conclusion:** The polity and the democratic set up in any country is prone to continuous change. This is specifically true in the case of India, which is uniquely placed, owing to its unity in diversity. In order to develop into a mature and a vibrant democracy, the quest for increasingly productive and positive changes in the overall set up of the country are inevitable. There exists a viable environment necessitating the holding of simultaneous elections to the House of the People and the State Legislatures. Simultaneous elections can be seen as a solution to prevent the country from being in constant election mode. Thus reducing government expenditure substantially, not diverting the already short-numbered security forces, and above all, without causing harm to the constitutional and democratic set up of the country.

SOURCES:

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