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One Nation-One Election in India (ONOE)

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ABSTRACT

Elections are the paramount articulation of people's will in a democracy. They signify people's opinion and choice and give impetus to political outcomes paving the way for the future of a nation. The entire process of conducting elections is a mammoth exercise involving massive expenses and tremendous time. It won't be preposterous to state that the Indian Polity is perpetually embroiled in elections throughout the year. Consequently, a need has been felt to devise a mechanism to put an end to this frequent election cycle. The ambitious proposal to undertake simultaneous elections in India as a solution to this problem is being lately mooted at various forums by political parties. The central theme of one nation, one election is synchronizing the elections to the Lok Sabha and Legislative Assembly of all States to mitigate the frequency of polls in the country. It involves structural changes in the federal dynamics of the country; therefore any such change should inevitably involve discussion and debate among various stakeholders. A need for a consensus building exercise elucidating the feasibility of conducting synchronized and coordinated elections should form part of public discourse. This paper seeks to outline the benefits as well as the impediments in implementing the mechanism of one nation, one election in India and moots the need for striking a balance between national and regional interests while addressing constitutional and legal challenges. The research further explores the varied facets of such a scheme with a view to assess its viability, credibility and potential impact on the political, social, and economic sphere in the country that may in the long run determine the future of Indian democracy.

Key Words: Electoral Reforms, One Nation, Democracy, Electoral Reforms, Voting

1. Introduction

Elections form an indispensable part of a robust democracy. Free and fair elections are conducted by the Election Commission of India to ensure that people elect their representatives to the government. Currently, elections in India are held separately for the Lok Sabha and State legislative assemblies. But this process has been criticized due to heavy expenditure on the public exchequer and repeated election cycles throughout the year resulting in impeding the implementation of development schemes. This led to the inception of the proposal for One Nation One Election (ONOE). The scheme of one nation one election has ignited a lot of debate lately because it connotes a departure from the traditional voting system. It is an aberration from the existing practice of electoral cycles redefining the electoral landscape. The 1999 Law Commission Report on electoral reforms in India outlined the concept for the first time. However, the scheme attained prominence when the existing Prime Minister of India, Mr. Narendra Modi voiced its support while campaigning for the 2014 general elections. The idea is however not new to India because of its existence post independence. The first elections to the Lok Sabha and State Assemblies were conducted between 1951-52. This form of simultaneous elections continued for three Lok Sabha terms 1951-52, 1957, 1962 and 1967 until it finally ceased to operate during the fourth Lok Sabha. This cessation was the result of premature dissolution of some Legislative Assemblies in 1968 and 1969, which caused disruption in the conduct of simultaneous elections. In 2015, the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice examined the idea of the feasibility of conducting simultaneous elections in its 79th report. Therefore, the question that arises is whether it is imperative to consider conducting simultaneous elections in the country. Various research scholars have examined the potential benefits of ONOE, which include mitigation of burden on resources, better governance and development due to non-imposition of frequent model code of conduct that is enforced as a consequence of frequent elections. On the contrary, there have been studies that have outlined the impediments such as constitutional and logistic challenge, increased infrastructure requirements and reduced autonomy of the states to fulfill the obligations under ONOE.¹ The words of Hon'ble Justice B. P. Jeevan Reddy, heading the Law Commission of India hold significance in this regard. He stated in its 170th report on Reform of Electoral Laws² (1999) "...This cycle of elections every year, and in the out of season, should be put an end to. We must go back to the situation where the elections to Lok Sabha and all the Legislative Assemblies are held at once. It is true that we cannot conceive or provide for all the situations and eventualities that may arise whether on account of the use of Article 356 (which of course has come down substantially after the decision of Supreme Court in *S.R. Bommai vs. Union of India*) or for other reasons, yet the holding of a separate election to a Legislative Assembly should be an exception and not the rule. The rule ought to be one election once in five years for Lok Sabha and all the Legislative Assemblies"³

¹ Dr. Prasanna Vijay, "Harmonizing Democracy: Assessing The Feasibility And Implications Of One Nation One Election In India" *Journal of Legal Studies and Research*, Volume 9 issue 6 November- December 2023

² Source: Paragraph 6.0 - Report of the Parliamentary Standing committee on Personnel, Public grievances, Law and justice - 79th report (Dec 2015)

³ *Ibid*

The nomenclature “Simultaneous Elections” broadly denotes the structuring of Indian election cycle conducive to synchronization of elections to Lok Sabha as well as State Legislative Assemblies. The voter is granted an opportunity to exercise his right to franchise in electing members of Lok Sabha and State Assembly on a single day and at the same time.⁴ This can be explained further by stating that simultaneous elections does not mean that voting to Lok Sabha and State Assemblies shall take place on a single day. It means that voting for elections can be conducted in a phase-wise manner provided that it is in consonance with the right of voters to cast their ballot for both State Assembly and Lok Sabha on the same day. Such a scheme represents a paradigm shift from the conventional voting system entailing constitutional and legal challenges.

2. Constitutional Provisions regulating Elections

The concept of ONOE does not find mention in the Indian Constitution but certain provisions are pertinent with respect to the scheme:

Despite the Indian Constitution failing to mention ONOE, several constitutional provisions are pertinent with regard to this concept:

- Article 83: This provision provides for duration of five years for the House of People. The President can dissolve it earlier on the advice of the Prime Minister. It fails to mention anything about simultaneous elections.
- Article 172: This provision pertains to the duration of state legislatures. It stipulates five-year term of the Legislative Assembly of every State, unless it is dissolved earlier. Similarly, it fails to touch upon the subject of simultaneous elections.
- Article 356: This provision deals with presidential rule in states due to the failure of constitutional machinery. During presidential rule state assemblies are suspended automatically. If this type of situation happens then simultaneous election is beyond of any question.⁵
- Article 324: This article grants the Election Commission with the power of superintendence, direction and control over the elections. This article does not mandate simultaneous elections.
- Anti-Defection Law: The Tenth Schedule of the Indian Constitution relates to disqualification on the grounds of defection. In case the simultaneous elections are implemented, the tenth schedule will have to be amended to address challenges pertaining to ONOE.
- Representation of People’s Act, 1951: This legislation refers to announcement for the polls to the houses and the state assemblies. Section 14 and 15 of the Representation of People Act 1951 are relevant as they endow the Election Commission of India with power to notify the elections to both the Lok Sabha and State Legislative Assemblies atleast six months before the expiry of normal terms of the Houses. This provision will have to undergo amendments to incorporate the scheme.

3. Ram Nath Kovind Committee report, 2024

A High Level Committee on Simultaneous Elections was constituted on 2nd September 2023 under the Chairmanship of Shri Ram Nath Kovind, former President of India. The Committee was instrumental in holding consultations to garner inputs from different stakeholders.⁶ There were 47 political parties who provided suggestions and their opinions and 32 of those parties supported the idea of simultaneous elections. Views on the subject were invited from experts in various fields including Chief Justice of India and Chief Justice of various High courts. Eminent economists and business organizations were also consulted; seeking their views on economic repercussions of the ONOE. Finally, the Committee submitted its report to the Hon’ble President of India, Shrimati Droupadi Murmu. The Committee suggested two stages for facilitating the scheme of simultaneous elections. In the initial phase, elections will be conducted to the Lok Sabha and the State Legislative Assemblies. In the second phase, elections to the third tier of government which consists of Municipalities and the Panchayats to be concluded within hundred days of holding elections to the Lok Sabha and Legislative Assemblies. It was recommended that a single electoral roll and Electoral Photo Identity Cards (EPIC) be utilized for conducting simultaneous elections. The report emphasizes that Articles 83 and 172 state the term of House of Lok Sabha and Legislative Assemblies to be five years and not longer, but it suggests against fixing the minimum number of years of the term at five years.⁷ According to the report, the basic structure of the Constitution embodies certain fundamental features including Articles 14, 19, and 21 and fundamental freedoms.⁸ Free and fair elections, rule of law and independent judiciary constitute significant virtues of the Constitution, the report said.⁹ As per the Committee, it has crafted its recommendations within the framework of the constitutional mandates concluding that such scheme would be imperative in promoting development, social cohesion and strengthening the foundations of democracy necessitating bare minimum amendments.

The report rejects the claim that the scheme of ONOE is contrary to democratic principles stating that simultaneous elections would rather ensure the best utilization of time and resources incurred during elections. It would further diminish the role of financial resources considered as a major concern regarding free and fair elections.¹⁰ A number of political parties have raised objections to the scheme of One Nation, One Election on grounds that it fails to address

⁴ Niti Ayog Report, 2017 available at: https://legalaffairs.gov.in/sites/default/files/simultaneous_elections/NITI_AYOG_REPORT_2017.pdf (last visited on April 10, 2024)

⁵ Swastika Pandit, “One nation one election: Challenges in the Indian government system” International Journal of Political Science and Governance

⁶ *Ibid*

⁷ “Is One Nation, One Election unconstitutional? How Kovind report addresses concerns”, The Indian Express, New Delhi, available at <https://indianexpress.com/article/explained/one-nation-one-election-kovind-report-concerns-9214446/> (last visited on April 10, 2024)

⁸ *Ibid*

⁹ *Ibid*

¹⁰ *Ibid*

the problem of hung Parliament/Assembly. The Committee clarified the issue by mentioning Sarkaria Commission that addressed this predicament. The Committee suggested that in situations where there is no majority, the Governor can take the following steps in the same order of preference: 1) It should invite a pre-election for forming the government; 2) Request the largest party to stake claim by seeking support of other parties including independents; 3) A post-election coalition of parties can be asked to form the government; 4) Lastly, a post-election coalition in which some parties in the coalition form the government, and other support it from outside.

4. Critical Assessment of ONOE

Article 1 of the Indian Constitution stipulates India to be a Union of States. Even though the term ‘federalism’ has not been explicitly mentioned in the Constitution, yet India more or less follows the federal structure.¹¹ The implementation of ONOE scheme on behalf of the Union government forthwith challenges the federal structure. It may culminate into local issues being overlooked and primacy being given only to national issues or vice versa while electing government. State issues like poverty, illiteracy, pollution, regionalism, unemployment may not feature in the election manifesto of the political parties. Further, due to different election cycles, the nation is more or less in an election mode throughout the year resulting in prolonged enforcement of the Model Code of Conduct (MCC). This generates impediments in the public service and developmental activities thus hampering growth of the nation. Elections entail huge expenses on human resources deploying CRPF and security personnel.

The Parliamentary Standing Committee constituted under President Ram Nath Kovind in 2023 invited opinion of various political parties on the subject of ONOE. Key political parties such as Indian National Congress (INC), All India Trinamool Congress (AITC), Communist Party of India (CPI), All India Majlis-e-Ittehadul Muslimeen (AIMIM), Nationalist Congress Party (NCP) etc. have expressed their apprehensions of the scheme on grounds of enforceability in the current constitutional and statutory framework vis-à-vis the terms of various Assemblies and Parliament.¹² The key criticisms enumerated against holding simultaneous elections can be categorized as follows:

- a) *Feasibility*: This category encompasses questions regarding operational challenges that the Election Commission of India would encounter in conducting elections on such a massive scale. The exercise of coordinating elections in different states with divergent political landscape constitutes a logistical challenge. Such synchronization of state elections may fragment the existing political structures in certain states. It could hamper the budget of both central government and state governments. Further, there is no consensus on whether and how the terms of both Lok Sabha and State Assemblies would be synchronized for the first time. Some challenges include increased security and manpower requirement to facilitate the election process.
- b) *Constitutional Challenges*: For the successful implementation of the scheme, significant constitutional amendments to harmonize various electoral schedules would have to be undertaken that entails a complex and time-consuming process. It further requires political consensus on the subject.
- c) *Possibility of recklessness in voting*: Another criticism against the scheme includes probability of reckless behavior on the part of voter in making informed choice for drawing a distinction between their voting chances for elections to State Assembly and Lok Sabha in case simultaneous elections are held. It could give rise to two contingencies-National issue may impact voter's behavior while voting in state assembly elections; and state issues may impact voting choice of the electorate in Lok Sabha elections. Consequently, the voter may choose to vote for the same political organization at the national level as well as the state level. This may result in state or regional parties that represent local interests to becoming redundant, as voters would end up voting for national parties that represent national issues.
- d) *Regional Issues overlooked*: One Nation, one election may result in shifting the focus or attention from regional issues to national problems overlooking critical regional concerns. An article¹³ was published by Prof. Sanjay Kumar, Director – Center for Study of Developing Societies (CSDS) and Prof. Jagdeep Chhokar – Association of Democratic Reforms (ADR). Quoting the article in a conference¹⁴ organized by Association for Democratic Reforms (ADR) on “Simultaneous Elections – Possibilities and Challenges”, Prof. Kumar asserted against simultaneous elections on the pretext that it would result in curbing the voice of people who live on the margins by suppressing the scope for regional parties that play a pivotal role in voicing local issues. As a consequence, it would counter the process of strengthening democracy”
- e) *Undermining the Federal structure*: Some critics argue that the scheme of ONOE would result in undermining the federal structure that forms a significant constituent of Indian Polity. It could potentially erode the autonomy of the states by centralizing the political discourse.
- f) *Huge Financial Burden*: The process of conducting simultaneous election may herald a huge financial burden on the Centre and the states at the same time. Huge resources and increased manpower for facilitating the election has to be deployed to manage the election process and address the logistical challenge.
- g) *Political Opposition*: This concept may draw flak from some political parties who might oppose the idea on the pretext that it may disrupt their regional strategies. Therefore to procure political consensus on the subject can be a formidable task.

¹¹ Swastika Pandit, “One nation one election: Challenges in the Indian government system” *International Journal of Political Science and Governance*

¹² Source: Para 9.5 to 9.9 Report of the Parliamentary Standing committee on Personnel, Public grievances, Law and justice - 79th report (Dec 2015)

¹³ available at: <http://www.thehindu.com/opinion/lead/jagdeep-s-chhokar-and-sanjay-kumar-write-on-concurrentelections-to-state-and-lok-sabha-elections-the-case-against-simultaneous-polls/article9150753.ece> (last visited on April 1, 2024)

¹⁴ available at: <http://adrindia.org/content/discussion-%E2%80%9Csimultaneous-elections-%E2%80%93-possibilities-and-challenges%E2%80%9D-26th-oct-Wednesday> (last visited on April 1, 2024)

5. Suggestions & Recommendations

The paramount criticism against simultaneous elections is that it is not pragmatic or feasible. Firstly, the question that arises is how to decide a reference date / timeline for initiating implementation of this concept.¹⁵ Secondly, once the timeline for initiation is decided, then on what terms should the terms of Lok Sabha and various State Assemblies be synchronized to facilitate ONOE?¹⁶ The answer to the first question would be to first attempt it with the next scheduled Lok Sabha elections. As far as the second point is concerned, once the simultaneous elections have been introduced and conducted with that of Lok Sabha, there has to be a consensus reached on the adjustment of the terms of State Assemblies in consonance with the constitutional and statutory framework approved by various stakeholders – government, political parties, as well as the general public.¹⁷ It is imperative that the extension or curtailment of terms of State Assemblies should be kept minimum unless inevitable.

On perusal of the terms of existing state assemblies, it is evident that the scheme of simultaneous election cannot be implemented at one go, as it would cause curtailment/extension of tenure of many state assemblies that would not be acceptable by many political parties. Therefore to implement the scheme of simultaneous elections in the literal sense, a wider consensus of political stakeholders is necessary otherwise it would be non-viable. Further, the Election Commission has made certain recommendations to avert issues that may arise in the implementation of the scheme.¹⁸ These include:

- To prevent premature dissolution, 'no-confidence motion' moved against the government in office should be accompanied by another 'confidence motion' in favor of a government along with the name of the individual who would be heading the government. The voting for both the two motions should be held together. In case, the dissolution of Lok Sabha has become inevitable, a provision could be made for the administration of the government by the President with the aid and advice of his Council of Ministers to be appointed by him until the next House is elected at the prescribed time.¹⁹
- With regard to State legislative Assemblies, a similar provision should be provided to prevent premature dissolution.

These recommendations along with the provisions of Anti-Defection Act, 1985 and Supreme Court judgment in *S.R Bommai v. Union of India*²⁰ would ensure to avert premature dissolution of legislatures and facilitate stability.

Undoubtedly, simultaneous and synchronized elections facilitate political certainty economic stability and policy stability. On the contrary, extended periods of single party rule may lessen government accountability. Such scheme may benefit national parties at the behest of regional parties. It may pave the way for better focus on governance and accelerate political and economic stability. However, it may impede regional autonomy and decrease accountability. The best way forward is to introduce ONOE and complement it with electoral reforms to alleviate the detrimental impact of the scheme on regional representation and government accountability. Having said that, in this era of coalition politics, the government can be defeated on no confidence motion, making elections necessary. Therefore, the scheme of ONOE is less likely to be successful in a parliamentary form of government vis-à-vis presidential form of government that is stable and not dependent on the legislature for support.

¹⁵ Bibek Debroy and Kishore Desai, 'Analysis Of Simultaneous Elections: The "What", "Why" And "How"', available at: https://legallaffairs.gov.in/sites/default/files/simultaneous_elections/NITI_AYOG_REPORT_2017.pdf (last visited on March 31, 2024)

¹⁶ *Ibid*

¹⁷ *Ibid*

¹⁸ Source: Paragraph 7.0: Report of the Parliamentary Standing committee on Personnel, Public grievances, Law and justice - 79th report (Dec 2015)

¹⁹ *Ibid*

²⁰ AIR 1994 SC 1918