



“One Nation One Election” is it threatens to Indian Federal Structure and it’s Democracy -An Extensive Analysis

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“Adoption of One Nation, One Election in India is likely to brook well with the spirit of the Constitution and also with the principles of collaborative federalism.”

— Justice Dipak Misra,
Former Chief Justice of India



ABSTRACT:

In this paper analyze the correlation and nexus between “Simultaneous Election” and its impact on Democracy, Nation Development and federalism. India has the largest and the most populous democracies in the world and comparison to most one of the developed democracies of the world, problems one of illiteracy, poverty, etc. still continue in India as the case with most of the developing countries. Its electorate is not only vast but also quite diverse-reflecting the plurality of caste, religion. Region, language, etc. of it’s a social mosaic. India have a main motto is Unity and Diversity and knitted groups society. The idea of simultaneous polls is not new in India and dates back to the first general elections held in 1951-52 after post independence. India seems to be moving towards holding elections simultaneously for the Lok Sabha and the state assemblies and also local bodies. After many decades, the idea of “One Nation One Election” resurfaced again in 2023. In September 2023, the Government of India appointed a ‘High-Level Committee on ONOE’. The committee was chaired by former President of India Sri Ramnath Kovind. This concept of simultaneous polls was a glaring failure concept and we had more experience on this ONOE before 1968 and at present its lead to so many inferences among Political Parties, Social Groups and Intellectuals in the Nation on this matter. This abstract summarizes the key findings of the full analysis while highlighting the complex considerations involved in assessing this major electoral reform proposal. The paper provides a comprehensive, evidence-based evaluation of the expected costs, and benefits.

KEYWORDS: “One Nation One Election, Federalism, Regionalism, Reducing identity politics, Democracy as process, HLC, Diversion of human resources, premature dissolutions.

Introduction:

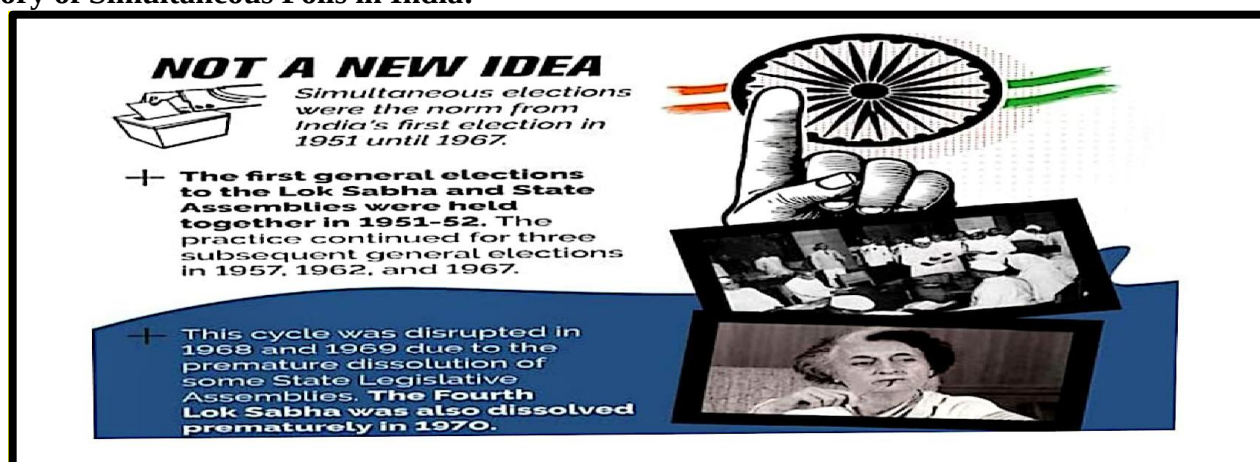
Elections lie at the very bearded of democracy. It is through elections that people in a democracy participate in public affairs and express, their will. It is again through elections that power change hands in a peaceful and orderly manner in a democracy and the authority of government gets clothed with legitimacy. Elections thus not only sustain democracy but make lively it as well. Holding of free and fair election is, therefore, a necessary condition without which something is not possible.

India is both the largest and one of the most populous democracies in the world and comparison to most one of the developed democracies of the world., problems one of illiteracy, poverty, etc. still continue in India as the case with most of the developing countries.. Its electorate is not only vast but also quite diverse-reflecting the plurality of caste, religion. Region, language, etc. of it's a social mosaic. Conducting periodic elections in the c1ountry by encouraging large-scale popular participation is a stupendous task.

Going by India s record in this regard, periodic elections ,as a .means of smooth transfer of power have been a regular and successful feature of India's democracy in the past seventy years. Not only this, Indians have time and again reposed faith in elections as the strongest means of non violent and peaceful protest against all acts of omission. Elections have thus become integral to India's democracy as else here in other successful liberal democracies in the world over.

However, certain violations have come to the fore in th1e very working of the, electoral system over the years. The need address such disturbing factors have generated a debate electoral reforms in the c1ou.ntry. The Election Commission which is under the Constitution is vested with the actual power of superintendence, direction and control of elections in the country has from time, come up with concrete proposals based on objective difficulties encountered in the conduct of elections. Politicians, through the platform of parties and Parliament including its various committee constituted for the purpose, have given vent to their desire for reform. Governments have under taken certain redemptive measures based on the recommendations of various committees.

History of Simultaneous Polls in India:



The concept of simultaneous polls is not new to India and in India dates back to the first general elections held in 1951-52. At that time, simultaneous elections were held for the Lok Sabha (House of the People) and all state legislative Assemblies were held together for the first twenty years post Independence. This practice continued in the three subsequent general elections held in 1957, 1962, and 1967. Thereafter, the schedule could not be maintained. However, the cycle of simultaneous elections was disrupted in 1968 and 1969, when some state legislative assemblies were dissolved prematurely. In 1970, the Lok Sabha itself was dissolved prematurely and fresh elections were held in 1971. Since then, the practice of simultaneous elections has not been revived and the Elections to the Lok Sabha and State Legislative Assembly have still not been realigned.

State Assemblies have faced similar disruptions over the years. Premature dissolutions and term extensions have become a recurring challenge. These developments have firmly disrupted the cycle of simultaneous elections, leading to the current pattern of tottered electoral schedules across the country.

Timelines of key milestones of various Lok Sabhas

1	2	3	4	5	6	7	8
Lok Sabha	Last date of poll	Date of Constitution of Lock Sabha	Date of First sitting	Date of expiration of term (Article 3(2) of Constitution	Date of dissolution of Lock Sabha	Over all term (in days) (Co16-Co14)	Overall term (approx)
1st	21-feb-52	2-April-52	13-ay-52	12-May-57	4-April-57	17887	5 years
2nd	15Mar-57	5-April-57	10May-57	9-May—62	31 Mar-62	1786	5years
3rd	25-Feb-62	5-Apr—62	16Apr-62	15-Apr-67	3-Mar-67	1782	5years
4th	21-Feb-67	4-Mar-67	16Mar-67	15-Mar-72	27-Dec-70	1382*	3years10months
5th	10-Mar-71	15-Mar-71	19Mar-71	18-Mar-77	18-Jan-77	2132* *	5years&10mont hs
6th	20-Mar-77	23-Mar-77	25Mar-77	24-Mar-82	22Aug-79	880*	2years 5 months
7th	6-Jan-80	10-Jan-80	21-Jan-80	20-Jan-85	31-Dec-84	1806	5 years
8th	28-Dec-84	31-Dec-84	15-Jan-85	14-Jan-90	27-Nov-90	1777	5years
9th	26-Nov-89	2-Dec-89	18-Dec89	17-Dec-94	13-Mar-91	450*	1year&3months
10th	15-Jan-91	20-Jan-91	9-Jul-91	8-Jul-96	10-May-96	1767	5 years
11th	7-May-96	15-May-96	22May-96	21-May-01	4-Dec-97	5561*	1year 6 months
12th	7-Mar-98	10-Mar-98	23Mar-98	22-Mar-03	26-Apr-99	399*	1year &1 month
13th	4-Oct-99	10-Oct-99	20-Oct-99	19-Oct-99	6-Feb-04	1570*	4years &4 months

*Mid-term polls were held. Dissolution took place before the elections.

**Extension due to proclamation of Emergency.

Resurfacing of One Nation One Election:

After many decades, the idea of “One Nation One Election” resurfaced again in 2023. In September 2023, the Union Government of India established a High-Level Committee on this matter. The committee was chaired by former President of India Ramnath Kovind. Since then, the committee has convened three times and gathered opinions from political parties eminent jurists and public from different places in India. While there is no set timeline for the committee’s recommendations, the fact that it aligns with the lead-up to the 2024 general elections raises concerns. Given the potential to reshape the democratic structure and federal system, it is crucial to promptly analyze the legal aspects of this initiative.

International Perspective:

Many countries like Sweden, Belgium, South America, Germany and Indonesia were implementation of the simultaneous Election policy in different levels of governments. In Sweden, holds elections are conducted according to a fixed schedule. The elections for the provincial legislature, local bodies and national legislature are conducted every fourth year on a set date or fixed date, specifically on the second Sunday in September. In South Africa, elections for both the national as well as provincial legislatures take place simultaneously every five years. However, Municipal elections are held separately, were held two years after the national and provincial elections. Garman has researched the concept of increasing voter turnout due to concurrent elections, and a difference-in-differences estimation approach at the German municipality-level, has provided evidence that combining two low-office elections significantly increases turnout. If frequent elections

diminish voter turnout, this could challenge the notion that increasing opportunities for citizen participation necessarily leads to greater democratic engagement.

The implementation of simultaneous elections in Indonesia in 2019, as per the Constitutional Court's decision No. 14/PUU-11/2013, was a significant event in the country's democratic process. The decision aimed to streamline the election process and reduce the costs associated with separate elections for different levels of government.

Need for the Simultaneous Elections in India:

Governance and development: Frequent elections delay development programs due to the Model Code of Conduct (MCC).

*Frequent elections affect economic growth, investment decisions and opportunity cost of deferred economic decisions.

*Conducting elections to all three tiers of the Government together would avoid disruption of supply chains and production cycles due to migrant workers seeking leave of absence to cast their vote.

Proper functioning of Government: the Model Code of Conduct comes into effect twice in a five year cycle, which affects the seamless conduct of government business and results in 'governance downtime'. The system will help ruling parties focus on governance instead of being constantly in election mode.

High financial burden: Holding simultaneous elections would reduce the massive expenditure incurred for conduct of separate elections every year.

Diversion of human resources: Such as security forces and other electoral officers (like Teachers) from their primary duties for significantly prolonged periods.

Reducing the burden on courts: Fewer elections mean fewer election-related disputes, reducing the workload on courts.

Reducing identity politics: Frequent elections use identity politics, like caste and class stirring division and disrupting societal cohesion.

Voter participation: Staggered elections induce 'voters' fatigue' and present a significant challenge in ensuring participation.

Important Recommendations of the Committee on Simultaneous Elections:

Need of Amendment of the Constitution:

The Indian Constitution must and should be amended to conduct simultaneous elections in two bills.

Bill 1: In India Simultaneous elections will be held to Lok Sabha and State Assemblies. For this, no ratification by the states will be required for the constitutional amendment.

Bill 2: Elections to Municipalities, Panchayats, Mandal and Zilla Panchayat will be synchronized with elections to Lok Sabha and state Assemblies in such a way that local body elections are held within 100 days of the elections to Lok Sabha and state Assemblies. This will require ratification by not less than one-half of the states.

Required Amendments: For holding simultaneous elections, the committee had recommended 15 amendments to the Constitution of India. Important amendments include:

Article 82A: The first Bill recommended by the Ramnath Kovind committee would begin by inserting a new Article 82A into the Constitution.

Article 82A will establish the process by which the country will move to a system of simultaneous elections for Lok Sabha and state Assemblies.

It has recommended that the power of Parliament under Article 327 should be expanded to include "conduct of simultaneous elections".

Article 83 and Article 172: It recommended that under Articles 83(4) and 172(4), the Lok Sabha or state Assembly that replaces the previous one will serve only for the remaining "unexpired term" before being dissolved again once simultaneous elections are conducted as scheduled.

Article 324A: The committee has suggested the inclusion of a new Article 324A in the Constitution. This new article would empower Parliament to make laws to ensure that Municipality and Panchayat (other Local Bodies) elections are held simultaneously with the Lok Sabha and state Assemblies.

Recommendations of Law Commission:

The 21st Law Commission set up in 2018 proposed that simultaneous elections would yield several benefits, including cost savings for the public, alleviation of strain on administrative structures and security forces etc.

In the year 1999, the Law Commission of India recommended simultaneous elections to Lok Sabha and State Legislative Assemblies while examining measures for improving the electoral system in the country.

Department related Parliamentary Standing Committee on Personnel, Public grievances, Law and justice: In its 79th report, it had recommended an alternative and practicable method of holding simultaneous elections.

NITI Aayog 2017 paper advocated the idea of conducting simultaneous elections for effective governance by reducing the frequent election cycle.

Acceptances of The Union Cabinet:

The Central Cabinet Chaired by the Prime Minister Shri Narendra Modi, has accepted the recommendations of the High-Level Committee on the subject of Simultaneous Elections under the chairmanship of former President Shri Ram Nath Kovind.

Recommendations of high-level committee:

- *Elections have been held simultaneously between 1951 and 1967.
- *Law Commission: 170th report (1999): One election to Lok Sabha and all Legislative Assemblies in five years.
- *Parliamentary Committee 79th Report (2015): suggest for simultaneous elections in two phases.
- *High Level Committee chaired by Shri Ram Nath Kovind extensively consulted a broad spectrum of stakeholders including political parties and experts.
- *Extensive feedback has showed there is support for simultaneous elections in the country.

Recommendations and way forward

- *Implement in two phases.
- ***In first phase:** conduct Lok Sabha and Assembly elections simultaneously.
- ***In second phase:** Conduct local body elections (Panchayat, Mandal and Municipalities) within 100 days of general elections.
- *Common electoral roll for all elections.
- *Will initiate detailed discussions throughout the country.
- *Constitute an implementation group.

Feasibility and Acceptance:

As per the recommendations of the Law Commission, it would necessitate at least five constitutional amendments: in Articles 83, 85, 172, 174, and 356.

Article 83(2) and 172 of the Constitution stipulates that the tenure of Lok Sabha and State Assemblies respectively will last for five years unless dissolved earlier and there can be circumstances, as in Article 356, wherein assemblies can be dissolved earlier.

The Law Commission's 2018 draft report on simultaneous elections also suggested that at least 50 per cent of the States should ratify the constitutional amendments.

Democracy as process:

Democracy is always in a state of flux and not in its ideal form. It can be weakening or strengthening. To strengthen democracy, politics needs to be more accountable. But this does not appear to be the principal motivation for the people's vote. It can be swayed by a Pulwama or Balakot, a Bofors, or corruption and inflation during UPA-II. Often, the choice is for the lesser evil. Vested interests that control political parties take advantage of this weakness to push their agenda. This undermines democracy. Having one election every five years will make political parties more unaccountable and free to fulfill the agenda of vested interests. That will weaken democracy and cost the nation far more than the direct and indirect costs of elections at present.

This weakness of democracy makes elections so expensive. People are not enthused by the performance of candidates. To counter that, mega rallies, hoardings and posters in large numbers are put up. Vote banks are created and nurtured. Now, there are additional expenditures on social media, troll armies, the manipulation of electoral rolls, etc. Workers and crowds are hired and money and some home needs distributed in the last three days before Election Day.

All this requires large sums of money.

The money spent is way above the allowed election expenditure, so it has to be black/illegal. What are obtained through Electoral Bonds are peanuts compared to the actual expenditures. It also goes to mostly the ruling party and is like a bribe in white.

The collection of illegal funds leads to the emergence of a close nexus between politicians or Political Parties and vested interests. Not only does this undermines democracy, but also subverts policy, and in a vicious cycle leads to the further proliferation of the black economy and the weakening of democracy. This weakening of democracy is the real cost to society.

Conclusion:

The advocacy for simultaneous elections is a reflection of the democratic principles that guide the evolution of our nation's governance. The Indian Government should maintain balance between the efficiency gains of simultaneous elections and the foundational principles of federalism, democratic integrity, and political plurality needs to be ensured through detailed legislative deliberations.

As India hold with the democracy dilemma and balanced approach is crucial and considering the unique challenges and opportunities presented by the country's diverse political landscape. Ultimately, the pursuit of an electoral system that enhances efficiency without compromising the fundamental principles of democracy should guide the discourse on One Nation, One Election.

Even if India had a perfect democracy, the 'One Nation, One Election' idea assumes homogeneity in the nation. India is diverse, with different regions confronting diverse issues, and that impacts politics in the states and the election schedule. So, a one-size-fits-all approach goes against the reality of the nation's diversity and can lead to severe political backlash. There is no chance to introduce to vested interests that control political parties take advantage of this weakness or present situation to push their agenda. This undermines democracy.

India is a largest Democracy in the world, and no Country will not have any practical experience in the world in terms of conducting simultaneous elections from top to at grass root level elections in a fixed schedule. Without having sufficient rectification methods, Ones the existing system will be changed or amended, then the Governments were changed by it, as part of new reforms, then it would be getting big blow for such a largest Democracy, like India.

India has sufficient administrative missionary of the Government, in terms of Science and Technology, good political liberty or people participation, Rigid and flexible Constitution, Healthy human resources, Unity and Diversity, good Traditions and sufficient food Grains its compare with other democratic countries in the world. These are most important for every nation development.

The present committee will have to examine and recommend whether the amendments to the Constitution require ratification by the majority States and analyze and recommend a possible solution in a scenario of simultaneous elections, but it's may not be possible, because majority regional and national parties like INC, Samajwadi Party, BSP, DMK, CPI, CPM, Aam Aadmi Parties were not accepted for simultaneous elections. However these 15 not supported political parties out of 47 (32 supported) have supported simultaneous elections in the past. If this concept implement and should to take some stringent masers and consciences should be required to ensure the continuity of the cycle for Simultaneous Election in a fixed schedule. Without it, it would be big blow for Democracy as well as Indian Federal Structure.

There is a need to reduce expenditures incurred on continuous elections and yet maintain the balance of federal polity and effective governance for the sake of Nation building.

In essence, the push for simultaneous elections is a collective Endeavour to refine the democratic process, making it more attuned to societal progress and the collective will of the people. It is a step towards a democratic process that is not only more efficient but also more reflective of the nation's collective aspirations and commitment to the principles of democracy as upheld by the Supreme Court in the **S.R. Bommai case**. Mandatory voting, it would be must and should implement and it would be against the spirit of democracy and freedom. However, the Government could help the voters by providing free transportation in the government railways or national airlines, so that the people of India can easily exercise their rights.

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