

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 3

2022

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

One Nation One Election in India

SHUBHANK KHARE¹

ABSTRACT

The election process is the fundamental characteristic of any democratic society; it gives democracy a tangible form and ensures the participation of citizens in the development of the nation. Because our nation, India, is such a democratic culture, elections are held practically every year, polling places are chosen at random, and progress toward development is slowed down by the code of conduct. A strategy known as "One Nation, One Electoral" has the potential to stop India from being in an election state during the whole year. It has the ability to provide a new framework for the election process that is being used in India. The elections for the Legislative Assemblies and the Lok Sabha are now scheduled to take place concurrently according to this strategy. In 1999, in its 170th report, the Law Commission argued in favour of holding elections for the Lok Sabha and the assembly at the same time. After that, in December of 2015, the Law Commission issued a report with the title "One Nation, One Election." It has been reported that the government may save millions of rupees in election costs if the elections for the Lok Sabha and the Vidhan Sabha were to be held at the same time. It was proposed that the country hold elections at the same time all around the country in light of the aforementioned factors. In this paper, the author investigates the concept of "One Nation, One Election" as it pertains to India.

Keywords: Nation, Election, Democracy, Constitution.

I. INTRODUCTION

The people must elect their representatives in order for the government system to function. Elections are held to put this democratic norm into effect. The process of electing your public representative is referred to as election in simple terms.²

In any democracy, direct engagement of the people in the operation of the system is impossible. As a result, the people's representative is elected to make democracy easier. Free and fair elections are held in accordance with the regulations, and they are overseen by an impartial organisation. These elections are attended by a large number of people and they vote to elect their public representative. The electoral process is the name given to this procedure.

¹ Author is a PhD Scholar at Jagran Lakecity University, India.

² Encyclopedia Britannica. 2022. *Election - Functions of elections*. [online] Available at: <<https://www.britannica.com/topic/election-political-science/Functions-of-elections>> [Accessed 3 June 2022].

II. ELECTION SYSTEM IN INDIA

The Indian democracy is the world's largest democracy. The Indian Constitution establishes several basic election norms. Elections in India are governed by the provisions of Articles 324 to 329 of Part 15 of the Constitution.³

(A) Who conducts elections?

The Election Commission is in charge of overseeing elections in India. The Election Commission is a self-governing body that was created on January 25, 1950.⁴ The Election Commission has the critical role of conducting free and fair elections in India. A Chief Election Commissioner and two additional Commissioners make up the Election Commission. All of them have a six-year contract.

(B) Election Commission

Article 324 of the Indian Constitution established the Election Commission.⁵ The Commission on Elections is also known as the Commission on Elections. The Election Commission directs and organises elections for the President, Vice-President, Lok Sabha, Rajya Sabha, and Legislative Assemblies throughout the country.

Important information related to Election Commission:

- The President of the Republic elects the Chief Election Commissioner and the other two commissioners.
- The country's Parliament has the power to impeach the Election Commissioner.
- The election commissioner has the same authority as a Supreme Court judge.
- The Election Commission is in charge of holding free and fair elections in the country.
- Inspect political parties and assign election insignia to them.
- The Election Commission is responsible for voter registration.
- The Election Commission is in charge of everything from announcing election dates to counting ballots.
- The Election Commission is responsible for enforcing the code of conduct beginning with the nomination of candidates.
- Providing journalists with election-related information.

³ INDIA CONSTI. Art. 324-329.

⁴ BYJUS. 2022. *Election Commission of India Was Established on January 25, 1950 - This Day in History*. [online] Available at: <<https://byjus.com/free-ias-prep/this-day-in-history-jan25/>> [Accessed 3 June 2022].

⁵ INDIA CONSTI. Art 324.

(C) Types of Elections

In India, there are two types of election processes. There are two types of elections: direct and indirect. The people pick their representative directly in a direct election. It elects its MP and MLA directly, much like the Lok Sabha and Vidhan Sabha elections.

The country's President, Vice President, Rajya Sabha, and Legislative Council are all chosen using the indirect system. The people do not elect the President, Vice President, or Rajya Sabha MPs directly. People's representatives are chosen by the people. As a result, it is classified as indirect.

(E) Levels of Direct Elections

- **Lok Sabha Elections:** In India, Lok Sabha elections are also known as general elections. The population of each state in the country is used to design electoral seats. Each constituency has one representative elected by the public. In the current arrangement, the country has 545 Lok Sabha seats.⁶ The Election Commission is in charge of overseeing the Lok Sabha elections.
- **Assembly Elections:** Each state has a defined number of seats, similar to the Lok Sabha. These places are chosen based on population density. People vote for the MLA who represents their constituency. The Election Commission oversees the assembly elections, much as it does the Lok Sabha elections.⁷
- **Urban body elections:** The State Election Commission oversees the elections for local governments. The public elects the corporator for their city or area through these elections.

III. MULTIPLICITY OF ELECTIONS IN INDIA- A PROBLEM

Elections are seen as the most important manifestation of democracy. If we look at the country's elections, we can see that elections are held every year in one or more states. The country stays in continual electoral mode as a result of this continuation of elections. This not only has an impact on administrative and policy choices, but it also places a strain on the country's budget. According to estimates, the 17th Lok Sabha elections cost more than 60 thousand crore rupees, and the country was in election mode for about three months.⁸

⁶ Pib.gov.in. 2022. *Parliamentary Constituencies – Numbers and type: Election Backgrounder 1*. [online] Available at: <<https://pib.gov.in/newsite/PrintRelease.aspx?relid=1176>> [Accessed 3 June 2022].

⁷ Elections in India. 2022. *List Of Upcoming Elections in India 2021 - 2022 | Elections.in*. [online] Available at: <<https://www.elections.in/upcoming-elections-in-india.html>> [Accessed 3 June 2022].

⁸ News18. 2022. *At an Estimated Rs 60,000 Crore, Lok Sabha Elections Costliest Ever; BJP Spent 45% of it, Shows Study*. [online] Available at: <<https://www.news18.com/news/politics/with-about-rs-100-cr-spent-in-each>>

Throughout the year, a similar condition may be seen in various parts of the country. In such a case, the concept of 'One Nation, One Election' might help to resolve the issue.

IV. ONE NATION ONE ELECTION

(A) The brighter side

In a report recently filed throughout both Houses of Parliament, the Parliamentary Committee stated that if all sorts of elections are held in the nation at the same time, not only will the load on the exchequer be reduced, but so would the expenditure of political parties.⁹ In addition, the best possible use of human resources may be achieved. At the same time, the growing voter indifference towards voting will be alleviated. Let us remind you that Prime Minister Narendra Modi has stated several times that one nation, one election is not just a topic of debate presently, but it is also a pressing requirement in India, since large elections are conducted every month somewhere in the country. The country is fully aware of the consequences of its actions on development projects. Elections are generally acknowledged to have a negative influence on administrative work. If all of the country's elections are held at the same time, political parties will be able to spend more time to the country's and state's development efforts.

However, the concept of one nation, one election is not new, since both the Lok Sabha and state assembly elections were held simultaneously in 1952, 1957, 1962, and 1967. However, since 1967, a number of situations have occurred in which the Lok Sabha and state assemblies have been dissolved at different periods. The early breakup of administrations as a result of a lack of trust votes in many state legislatures is one of the main reasons behind this. At the same time, several state administrations have been unable to finish their terms owing to the breakdown of the mutual alliance between the parties in power, which has occurred for a variety of reasons.¹⁰ Many times in the Lok Sabha, similar situations have arisen, resulting in the central government's five-year term not being completed. In light of these conditions, today's election will be 'One Nation, One Election.'

In a similar study from 1999, the Law Commission advocated for simultaneous Lok Sabha and Legislative Assemblies elections. However, the necessity to change the constitution was also voiced in this regard. Assemblies have been disbanded in the past due to the passage of time.

ls-constituency-we-just-witnessed-the-most-expensive-election-ever-2171789.html> [Accessed 3 June 2022].

⁹ Drishti IAS. 2022. *Simultaneous Elections (Law Commission of India – Draft Report 2018)*. [online] Available at: <<https://www.drishtiiias.com/summary-of-important-reports/simultaneous-elections-law-commission-of-india-draft-report-2018>> [Accessed 3 June 2022].

¹⁰ Express News Service. (2021). BSY says 'One Nation, One Election' will help improve administration. Retrieved from: <https://www.newindianexpress.com/states/karnataka/2021/mar/05/bsy-saysone-nation-one-election-will-helpimprove-administration-2272414.html>.

As a result, many state legislatures' time limits may have to be cut, while many others' time limits may have to be expanded. The Lok Sabha is susceptible to the same issue. To address all of these issues, Articles 83 (the Lok Sabha's tenure is fixed at five years), 85 (the President's ability to dissolve the Lok Sabha), 172 (the Legislative Assembly's term is five years from its inception), and 174 (the Governor's power to dissolve the Assembly) would need to be altered.¹¹ Changes to the Representation of the People Act will also be required.

(B) Benefits of One Nation One Election

There are several advantages to holding one national election, which would provide a new path for the country's growth by reducing the amount of money spent on recurring elections. It may be utilised for things like education, health, and water crisis prevention, among other things, to help people better their level of living. Improvements in people's economic lives will be accompanied by improvements in their social lives. To speed up growth, several nations have embraced the "one country, one election" formula. County and municipal elections were held concurrently, as they were in Sweden last year.¹² Indonesia, South Africa, Germany, Spain, Hungary, Slovenia, Albania, Poland, and Belgium have all had elections at least once.

It is worth noting that simultaneous elections would lessen the economic burden, since the 2009 Lok Sabha elections cost 11 hundred crore rupees, while the 2014 elections cost four thousand crore rupees.¹³ The latest Lok Sabha elections in 2019 saw a massive spending of almost Rs. 6,000 crores.¹⁴ Similarly, in the elections to the Legislative Assemblies, the same situation was observed. At the same time, states must adhere to the code of conduct owing to frequent elections, which obstructs all types of development activities. This has a significant impact on the education industry. It also has the social and economic consequence of increasing the flow of black money. If elections are held at the same time, the flow of black money will be halted. At the same time, due to the simultaneous Lok Sabha and Vidhansabha elections, mutual harmony will improve since such concerns will not resurface in the polls again and again, potentially disrupting societal peace.

¹¹ INDIA CONSTI. Art. 83, 85, 172, 174.

¹² Chaudhury, D., 2022. *Sweden inspires India for simultaneous elections*. [online] The Economic Times. Available at: <<https://economictimes.indiatimes.com/news/politics-and-nation/sweden-inspires-india-for-simultaneous-elections/articleshow/63792441.cms>> [Accessed 3 June 2022].

¹³ Pib.gov.in. 2022. *Election Expenditure per elector up by twenty times in 2009 compared to first General Elections*. [online] Available at: <<https://pib.gov.in/newsite/PrintRelease.aspx?relid=104557>> [Accessed 3 June 2022].

¹⁴ Sarkar, G., 2022. *India just spent nearly ₹60,000 crore on its election—but does this augur well for democracy?*. [online] NewsLaundry. Available at: <<https://www.newsLaundry.com/2019/06/04/india-just-spent-nearly-rs-60000-crore-on-its-election-but-does-it-augur-well-for-democracy>> [Accessed 3 June 2022].

(C) Problems are not less

Simultaneous elections indicate progress in the country's best interests. Of course, having elections simultaneously will present certain challenges, but in the context of permanently eliminating it, one nation, one election is required. This may put regional political parties in jeopardy and hinder their ability to mobilise regional resources. The central paramilitary forces are a larger concern, as they will be required in huge numbers if this occurs. As a result, a considerable number of appointments in the central paramilitary forces will be required. Simultaneous elections will need the use of electronic voting machines (EVMs).

12 to 15 lakh EVMs are presently fit for usage, according to estimates. However, if several elections are held at the same time, up to 30 lakh EVMs may be necessary.¹⁵ In addition, VVPATs will need to be installed in all of these EVMs. An extra demand of four to five thousand crore rupees would be necessary to fulfil all of this. The capital expenditure will almost probably rise as a result of this. Not only that, but the need for such a big number of EVMs will have to be met all at once, and they would have to be replaced after three elections, or after 15 years, due to their limited lifespan. However, given the advantages of simultaneous elections, spending on them becomes more reasonable and relevant.¹⁶ This will guarantee that the government's programmes are implemented on schedule, and that the administrative apparatus is engaged in developmental operations rather than electoral efforts.

(D) Waste of money due to repeated elections

It is reasonable to estimate that all political parties spend around 70,000 crore rupees in general elections and almost the same amount in state assembly elections. When the two are added together, the political parties spend roughly Rs.1.25 lakh crore.¹⁷ Now that the One Nation One Election campaign will only be held once every five years, the budget will almost certainly be cut in half. If a large sum of money is saved, the country's situation and direction will be appropriately decided, and citizens will enjoy a high level of life. It is not an exaggeration to state that consenting to a national election can contribute to the country's growth. It should be mentioned that the country's assembly elections are held on a regular basis. Gujarat and Himachal Pradesh are set to go to elections at the end of this year, followed by Tripura and a

¹⁵ "The Indian Express. 2022. *Shelf-life of 50% EVMs ending, have to buy 14 lakh for 2019: EC*. [online] Available at: <<https://indianexpress.com/article/india/india-news-india/shelf-life-of-50-evms-ending-have-to-buy-14-lakh-for-2019-ec/>> [Accessed 3 June 2022]."

¹⁶ Team, C., 2022. *Simultaneous Elections: Will this be good for India?*. [online] ClearIAS. Available at: <<https://www.clearias.com/simultaneous-elections-india/>> [Accessed 3 June 2022].

¹⁷ Jacob, N. and Doshi, G., 2022. *In charts: India's political parties spent thousands of crores on publicity in the last five years*. [online] Scroll.in. Available at: <<https://scroll.in/article/1006842/in-charts-indias-political-parties-spent-thousands-of-crores-on-publicity-in-the-last-five-years>> [Accessed 3 June 2022].

few other states early next year, then Rajasthan, Madhya Pradesh, and Chhattisgarh towards the end of next year. are about to happen. Last year, assembly elections were held in a number of other states, including Bengal. That is, it is an ongoing procedure. When the local body elections and their costs are included in, there are several advantages to having polls concurrently.

Black money is also a key source of worry in this regard. In such circumstances, the major goal of electoral reform is to widen the definition of democracy and make it more citizen-friendly.¹⁸ Elections have also become the most significant source of corruption in today's world. Since the model code of conduct came into effect, seizing cash worth crores of rupees has become a ritual.¹⁹ Candidates spend far more money than is allocated for campaigning in elections.

Although there does not appear to be any fundamental flaws with the concept of one nation, one election, it appears that it will not be implemented in the near future due to political opposition. Without a sure, India, the world's largest democracy, appears to be constantly trapped in the political maze. To move the country out of this election quagmire, a broad electoral reform effort is required. However, with the government's support, this task will be made feasible. One Nation, One Election is also part of the government's development goal.

In truth, it is in the country's best interests. However, political groups have differing viewpoints on this topic. Now is the time for all of the country's political parties to get together and address the topic of one nation, one election for the government, and provide their approval for it to be implemented.

(E) The Darker side

The idea of having simultaneous elections appears appealing at first look. It would be silly, though, if we backed it without weighing the opportunity cost. Aside from constitutional and practical considerations, there are a number of democratic issues that need to be addressed.

First, because of the 'touching effect,' it provides a financial advantage for the reigning political party in particular, and national parties in general, over their rivals in simultaneous elections. And this, in and of itself, goes against the democratic essence of not providing everyone an equal chance. However, if it is implemented at the regional level, the threat becomes far more

¹⁸ KNOWLEDGE, G., Polity, T. and Singh, H., 2022. *Electoral Reforms in India: Meaning and Requirement*. [online] Jagranjosh.com. Available at: <<https://www.jagranjosh.com/general-knowledge/electoral-reforms-in-india-1437134200-1>> [Accessed 3 June 2022].

¹⁹ |, A., 2022. *Assembly polls: Valuables worth Rs 449.55 crores seized in Punjab after Model Code of Conduct came into force*. [online] ANI News. Available at: <<https://www.aninews.in/news/national/general-news/assembly-polls-valuables-worth-rs-44955-crores-seized-in-punjab-after-model-code-of-conduct-came-into-force20220216195657/>> [Accessed 3 June 2022].

serious, with far-reaching implications for democracy.

With this in mind, national political parties are expected to have a strong position in the event of simultaneous elections, in which regional parties will either perform poorly or be compelled to join forces with national level competitors. Whatever the case may be, it will have a detrimental influence on regional ambitions and demands, since regional political parties have been voicing their concerns in a variety of democratic forums.

Simultaneously, because the 'touching effect' automatically elevates the governing party/coalition government, there is a perpetual chance of their being elected to political power, regardless of the cost. Will be inspired to keep going. This would be deadly to democracy, as not just India but also the rest of the globe has experienced examples of single-party rule.²⁰ The government's power has devolved to the point that a democratic system has devolved into a dictatorship.

Second, a government with public support has the right to govern until it decides to dissolve itself or loses popular support, which is one of the essential foundations of parliamentary democracy. Simultaneous election does not always adhere to this rule. Governments formed through simultaneous elections may lose public support or be dissolved in the middle of their mandate. If a state government loses its majority during its tenure, the governor, acting on behalf of the President of India, will be required to urge other parties/alliances to form a government in its place. Because there is no possibility of re-election. If efforts to establish a government fail, the state would be administered by President's Rule until the next scheduled elections, as per Article 356 of the Indian Constitution. This would, of course, be anti-democratic.

This scenario holds true at the centre level as well. If a central government loses its majority during its interim term, the sole option is for the President to convene a meeting with other parties/coalitions to form a government. If this plan fails as well, the country would be administered by the President with the assistance and advise of the Council of Ministers, which will be made up of members of a dormant Lok Sabha and a functioning Rajya Sabha until the next election. This sort of governance would be far from democratic, and would resemble a constitutional oligarchy in many ways.

It's no surprise that the Law Commission of India's draught report on holding simultaneous elections starting in 2018 also indicates that the existing structure of the Constitution forbids

²⁰ “Prof. Dr. Ashutosh Bairagi, *One Nation One Election in India – A Contemporary Need vis-a- vis a Matter of Mere Discussion*, 5 (2) IJLMH Page 1726 - 1736 (2022), DOI: <https://doi.org/10.1000/IJLMH.113009>”

simultaneous elections and that such elections are illegal. The event would need major constitutional revisions in order to be held. Not only that, but significant changes to the Representation of the People Act and the manual procedure of the Lok Sabha and State Legislatures would be required as well.

Elections are held often, which keeps elected officials and governments on high alert since they must continuously interact with the public. If the elections are held concurrently, this accountability would be greatly weakened, since elected legislators will no longer be held accountable through mid-term elections.

Finally, elections are a critical instrument for maintaining democratic accountability. Due to the frequent elections, elected officials and governments must maintain a high level of alertness since they must frequently interact with the general population. This puts them under continual pressure to follow through on their pledges. Going to the polls at the same time will undermine accountability since elected officials will no longer be held accountable at mid-term elections.

The roots of democracy in India have grown stronger through time, and periodic elections have played a vital part in this. As a result, regional political parties have flourished, and regional goals have gained prominence at the national democratic level. In short, India's democracy has become stronger as a result of its regular elections.

A effort to reintroduce the practise of having simultaneous elections would essentially be a step backwards for India's democracy.

V. CONCLUSION- THE BOTTOM LINE

Simultaneous elections, to the degree practicable (save for the required use of Article 356 and bye-elections), will serve to decrease expense and, at the same time, shorten the time it takes to adopt the Model Code of Conduct. This will have an effective effect since development activity will come to a halt and government operations will be hindered during this period, especially if elections are held in numerous phases. Simultaneous elections are also intended to aid in the reduction of policy indecision and engagement by the administration, as well as a political focus on policy issues.

Creating the infrastructure for this, of course, will be difficult — building up an already large stock of EVMs, as well as mobilising VVPAT paper and election ink. However, we may look at techniques used in other nations, such as the postal ballot, which is a single form that can be used for several seats in an election. Additionally, constitutional adjustments may be necessary to ensure that future consistency is not hampered. A constitutional amendment can be made to

prevent the government from being destabilised by a no-confidence motion, and making the motion of confidence essential to establish the government can also be a solution. The Central Law Commission's 170th report on election law amendments includes some of these recommendations.

We should also think about improvements like government funding of elections and computerised voting, while also honouring the choice of the people. Many political parties, both partisan and non-partisan, have reacted positively to such recommendations. We may start by conducting elections for Panchayats, Municipal Bodies, and State Assemblies at the same time. Consider the example given by Britain, our erstwhile colonial master. In 2011, it approved the Fixed-Term Parliament Act, which aimed to give the British Parliament's tenure more stability and predictability. Premature elections will only be permitted if two-thirds of House members agree or if the government is defeated in a no-confidence vote. We can, at the at least, begin with any such step. Many people are anxious that the country's electoral variety would be lost – but they should leave that to the adult Indian voter to decide.
