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LOK SABHA

ONE NATION, ONE ELECTION



Background:

The concept of One Nation, One Election was first proposed by Prime Minister Narendra Modi in 2017. The idea behind this proposal is to have simultaneous elections for all levels of government, thereby reducing the election-related expenses and ensuring stability in governance.

Larger Background

- Chairing an all-party meeting on the eve of the first session of the new Lok Sabha, Prime Minister Narendra Modi recently invited heads of all parties to a meeting on June 19th, 2019 to discuss the “one nation, one election” idea and other important matters.
- Noting that there are many new faces in this Lok Sabha, PM Modi said the first session of the Lower House of Parliament should begin with “fresh zeal and new thinking”.
- Addressing the media later, Parliamentary Affairs Minister Prahlad Joshi said the Prime Minister has requested all parties, especially the opposition, for their cooperation for the smooth functioning of both Houses of Parliament. Apart from “one nation, one election” the all-party meeting has been called to deliberate on other matters like – celebrations of 75 years of India’s Independence in 2022 and 150 years of Mahatma Gandhi’s birth anniversary this year (2019).
- The idea has been around since at least 1983, when the Election Commission first mooted it. However, until 1967, simultaneous elections were the norm in India.
- The first General Elections to the House of People (Lok Sabha) and all State Legislative Assemblies were held simultaneously in 1951-52.
- That practice continued in three subsequent General Elections held in the years 1957, 1962 and 1967.
- However, due to the premature dissolution of some Legislative Assemblies in 1968 and 1969, the cycle got disrupted.
- In 1970, the Lok Sabha was itself dissolved prematurely and fresh elections were held in 1971. Thus, the First, Second and Third Lok Sabha enjoyed full five-year terms.
- As a result of premature dissolutions and extension of terms of both the Lok Sabha and various State Legislative Assemblies, there have been separate elections to Lok Sabha and States Legislative Assemblies, and the cycle of simultaneous elections has been disturbed

1. One Election Policy



It was raised first by former Deputy Prime Minister and senior leader of the Bhartiya Janata Party LK Advani. In a blog post in May 2010, he advocated a fixed term for elected bodies and a need for simultaneous elections. Political leaders of several parties have also raised the issue, leading to a Parliamentary committee examining it.

Problems associated with frequent elections:

- Frequent elections affect policymaking and governance as the government is trapped in short-term thinking.
- It also destabilises duly-elected governments and imposes a heavy burden on the executive.
- It also puts pressure on political parties, especially smaller ones, as elections are becoming increasingly expensive.
- The Model Code of Conduct (MCC) which comes into force with the announcement of poll dates, prevents government from announcing any new schemes, make any new appointments, transfers and postings without the approval of election commission. This brings normal work of the government to a standstill.
- It also increases the cost of management to the election commission.

Frequent elections have some benefits too:

- One, politicians, who tend to forget voters after the elections for five years have to return to them. This enhances accountability, keeps them on their toes.
- Two, elections give a boost to the economy at the grassroots level, creating work opportunities for lakhs of people.



- Three, there are some environmental benefits also that flow out of the rigorous enforcement of public discipline like non-defacement of private and public property, noise and air pollution, ban on plastics, etc.
- Four, local and national issues do not get mixed up to distort priorities. In voters' minds, local issues overtake wider state and national issues.
- Besides, a staggered electoral cycle also acts as a check against demagoguery, fascism and oligarchy, in that order.
- It also ensures that the mood of the nation at a particular moment does not hand over political power across a three-tiered democratic structure to one dispensation or individual. It gives people a chance to distinguish between the national, state and local interests, rather than being swept away in a “wave”, often manufactured by corporate media and the economic muscle of commercial carpetbaggers.

Why holding simultaneous elections is a good idea?

- This will help save public money.
- It will be a big relief for political parties that are always in campaign mode.
- It will allow political parties to focus more on policy and governance.

Concerns:

Lok Sabha and assembly elections were held simultaneously until the mid-1960s, but the premature dissolution of state assemblies in subsequent years disturbed the cycle. In several instances, the Lok Sabha also suffered the same fate. Therefore, some stakeholders fear that even if elections are brought in sync, the cycle might once again get interrupted. There is also the possibility of dismissal of state governments and premature dissolution of assemblies.

Why it is difficult to go for simultaneous elections?



- The biggest challenge is achieving political consensus, which seems to be “chimerical”.
- Regional parties will be more opposed to the idea than national parties because there is always a tendency for voters to vote the same party in power in the state and at the Centre in case the Lok Sabha polls and the state elections are held together.
- Also, according to IDFC, there is a 77% chance that the Indian voter will vote for the same party for both the state and Centre when elections are held simultaneously

2. State-funding of Elections

A major concern associated with the high cost of elections is that it prevents parties and candidates with modest financial resources from being competitive in elections. It is also feared that if candidates need to raise funds from a variety of sources, then their policy decisions after being elected as policy makers may be somewhat biased in favour of groups that fund them. State funding of elections (in various forms) has been proposed as a potential solution to this problem.

The Indrajit Gupta Committee on State Funding of Elections, 1998, backed the idea of state funding of elections on principle, stating that “The Committee see full justification constitutional, legal as well as on ground of public interest, for grant of State subvention to political parties, so as to establish such conditions where even the parties with modest financial resources may be able to compete with those who have superior financial resources.” It added two limitations, namely (i) such funds could not be doled out to independent candidates, and only to national and state parties having granted a symbol and proven their popularity among the electorate, and (ii) in the short-term, State funding may be given only in kind, in the form of certain facilities to the recognised political parties and their candidates. However, despite strongly backing full State funding of elections principle, it stated that only partial State funding would be possible in the short-term given the prevailing economic condition of the country.



The Election Commission is not in favour of state funding as it will not be possible to prohibit or check candidate's own expenditure or expenditure by others over and above that which is provided by the State. The Election Commission's view is that for addressing the real issues, there have to be radical changes in the provisions regarding receipts of funds by political parties and the manner in which such funds are spent by them so as to provide for complete transparency in the matter.

3. Criminalisation of Politics

Most recent Committee reports on electoral reforms have almost universally acknowledged the criminalisation of our political system at both national and state levels and across party lines. The criminalisation of our political system has been observed almost unanimously by all recent committees on politics and electoral reform. Criminalisation of politics has many forms, but perhaps the most alarming among them is the significant number of elected representatives with criminal charges pending against them. Two measures recommended by previous committees are discussed in this paper: enforcement of the disclosure of criminal antecedents of candidates, and eligibility restrictions for candidates with criminal cases pending against them. The Vohra Committee Report on Criminalisation of Politics was constituted to identify the extent of the politician-criminal nexus and recommend ways in which the menace can be combated.

4. Disclosure of criminal antecedents of candidates

Currently, Rule 4A of the Conduct of Election Rules, 1961, prescribes that each candidate must file an affidavit (Form 26 appended to Conduct of Election Rules, 1961) regarding (i) cases, if any, in which the candidate has been accused of any offence punishable with imprisonment for two years or more in a pending case in which charges have been framed by the court, and (ii) cases of conviction for an offence other than any of the offences mentioned in Section 8 of Representation of the People Act, 1951, and sentenced to imprisonment for one year or more. In addition to this, pursuant to the order of the Supreme Court the Election Commission on March 27, 2003, has issued an order that candidates must file an additional affidavit stating (i) information relating to all pending cases in which cognizance has been



taken by a Court, (ii) assets and liabilities, and (iii) educational qualifications. The affidavit is given in a form prescribed by the Election Commission of India.

5. ECI independent staff appointment

Appointment & Tenure of Commissioners: The President appoints Chief Election Commissioner and Election Commissioners. They have tenure of six years, or up to the age of 65 years, whichever is earlier. They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India. The Chief Election Commissioner can be removed from office only through impeachment by Parliament.

The Setup: The Commission has a separate Secretariat at New Delhi, consisting of about 300 officials, in a hierarchical set up.

Two or three Deputy Election Commissioners and Director Generals who are the senior most officers in the Secretariat assist the Commission. They are generally appointed from the national civil service of the country and are selected and appointed by the Commission with tenure. Directors, Principal Secretaries, and Secretaries, Under Secretaries and Deputy Directors support the Deputy Election Commissioners and Director Generals in turn. There is functional and territorial distribution of work in the Commission. The work is organised in Divisions, Branches and sections; each of the last mentioned units is in charge of a Section Officer. The main functional divisions are Planning, Judicial, Administration, Systematic Voters' Education and Electoral Participation, SVEEP, Information Systems, Media and Secretariat Co-ordination. The territorial work is distributed among separate units responsible for different Zones into which the 35 constituent States and Union Territories of the country are grouped for convenience of management.



AUDITING OF FINANCES OF POLITICAL PARTIES

As mentioned previously in this report, the high cost of elections provides a logic for corruption in the public arena. This affects not only candidates, but parties as well. In an order dated March 27, 2003, the Election Commission of India issued an order, in pursuance of the Supreme Court judgment dated March 13, 2003 in *the Peoples Union for Civil Liberties & Another Vs. Union of India* case, that candidates for electoral office must submit an affidavit disclosing his assets and liabilities. This order, however, does not apply to political parties.

RECOMMENDATIONS

The 2004 report of the Election Commission declared that political parties should be required to publish their accounts (or at least an abridged version) annually for information and scrutiny of the general public and all concerned, for which purpose the maintenance of such accounts and their auditing to ensure their accuracy is a pre-requisite. The auditing may be done by any firm of auditors approved by the Comptroller and Auditor General. The audited accounts should then be made public. The Election and Other Related Laws (Amendment) Bill, 2002 (introduced in Lok Sabha on 19th March, 2002) sought to introduce section 29D in the Representation of the People Act, 1951 in this regard.

6. Political Parties under the ambit of RTI

The issue of political parties coming under the ambit of Right to Information Act was in the news again, after the Supreme Court issued notices to the six national parties to explain their stand. The issue dates back to 2013 when the Central Information Commission made a historic order bringing the six national parties under RTI. Since then, the parties refused to comply with the order and the matter has now reached the Supreme Court.

Association for Democratic Reforms (ADR) filed a Writ Petition in the Supreme Court against the Government of India and the six National Parties that failed to comply with the Central Information Commission order bringing these parties under the ambit of the Right to Information (RTI). The Supreme Court admitted this petition and issued notices to the six National parties as well as the Government of India.



The transparency in the functioning of Political Parties was also recommended by the Law Commission of India in their 170th Report on ‘Reform of Electoral Laws (1999)’. It said, *“On the parity of the above reasoning, it must be said that if democracy and accountability constitute the core of our constitutional system, the same concepts must also apply to and bind the Political Parties which are integral to parliamentary democracy. It is the Political Parties that form the Government, man the Parliament and run the governance of the country. It is therefore, necessary to introduce internal democracy, financial transparency and accountability in the working of the Political Parties. A political party which does not respect democratic principles in its internal working cannot be expected to respect those principles in the governance of the country. It cannot be dictatorship internally and democratic in its functioning outside.”*

Even the 255th report of the Law Commission of India on ‘Electoral Reforms’ made certain recommendations on contributions, reporting, Disclosure etc.

7. Anti-defection Law

In the report “Ethics in Governance” of the Second Administrative Reforms Commission, it is noted that “Defection has long been a malaise of Indian political life. It represents manipulation of the political system for furthering private interests, and has been a potent source of political corruption.” The report further notes that “there is no doubt that permitting defection in any form or context is a travesty of ethics in politics.” The Anti-Defection provisions of the Tenth Schedule of the Constitution, enacted in 1985, fixed a certain number above which group defections were permitted. The National Committee to Review the Working of the Constitution noted that although individual defections became rare after this, group defection were “permitted, promoted and amply rewarded.”

The 91st Amendment to the Constitution, 2003, changed this by making it mandatory for defectors to resign their positions regardless of whether they defected as an individual or as part of a group. Currently the issue of disqualification of members of Parliament or a State Legislature is decided by the Speaker or Chairman of the concerned House. Aside from those concerning the Tenth Schedule all other matters of post-election disqualification are decided by the President/Governor, on the advice of the Election Commission.



The Election Commission, in its 2004 report, noted that “all political parties are aware of some of the decisions of the Hon’ble Speakers, leading to controversies and further litigation in courts of law.” The National Committee to Review the Working of the Constitution noted that “some of the Speakers have tended to act in a partisan manner and without a proper appreciation – deliberate or otherwise – of the provisions of the Tenth Schedule.”

8. Restrictions on government sponsored advertisements

It has been noted by the Election Commission that on the eve of election, the Central and various State Governments are able to advertise for the purpose of influencing elections, justifying it by providing information to the public. The expenditure on such advertisements is likely incurred from the public exchequer. The Election Commission feels this practice allows the misuse of public funds and provides the ruling party an undue advantage over other parties and candidates.

9. Misuse of religion for electoral gain by political parties

The Liberhan Ayodhya Commission of Inquiry recommended, inter alia, that complaints of misuse of religion for electoral gain should be speedily investigated into by the Election Commission. The Election Commission informed the government (Letter dated January 29, 2010) that such investigations should be carried out by the investigating agencies of the state. However, the Election Commission invited the attention of the government to the Representation of the People (Second Amendment) Bill, 1994, whereby an amendment was proposed providing for provision to question acts of misuse of religion by political parties before a High Court. Similar recommendations made by the Goswami Committee were included in a Bill introduced in the Rajya Sabha in May 1990. The Government withdrew this Bill in 1993, stating that a revised Bill would be introduced. However, these provisions have never been considered since then.



Need for Synchronising the Elections:

- The idea of “One Nation, One Election” is a very good idea. In the larger public interest, it will be very useful. However, there may be certain constitutional impediments.
- For holding all elections on a particular day, the terms of the Lok Sabha and the state legislative assemblies should be synchronised in such a way that elections can be held within a given span of time. For this, constitutional amendments would be needed. Articles 83, 85, 172, 174, and 356 of the Constitution of India would need to be amended. Article 83 says that the term of the Lok Sabha would be a period of 5 years from the date of its first sitting. Similarly, Article 172 says that the term of the legislative assemblies in the country will also be a period of 5 years from the date of its first sitting.
- Currently, all these dates vary. The current term of the Lok Sabha will go up to 2024. The elections to some state assemblies have also been recently held, whereas some were held last year (2018), and some were held during the previous year. Thus, important questions emerge. The most important being the manner in which one can synchronise all these dates, such that they all end during a particularly given span of time. Thus, for the implementation of simultaneous elections in the country, the terms of some legislative assemblies should be extended, or in some cases, they must be curtailed. Currently, the elections in Maharashtra, Jharkhand and Haryana are due in the next 3-4 months or so. Similarly, the elections to the states of Rajasthan have been held recently, thus, if simultaneous elections are to be held, the terms of these assemblies would have to be extended. Thus, all these extensions and curtailments would need some amendments to the Constitution of India.

Constitutional and legal challenges: Perspectives and Insights

- Proposing the idea of a Presidential form of Government:
- The core problem area which is coming in the way of implementing this is the Parliamentary form of Government which India practices.
- In this, the Government is accountable to the lower house, be it at the level of the State Assemblies or in the Lok Sabha.
- If the Government is accountable to the lower house, given the nature of the Parliamentary form of Government, the Government can fall (theoretically) before it completes its term. And the moment the Government falls, there have to be fresh elections. Thus, the core obstruction in the way of implementing simultaneous elections in the country is a Parliamentary form of Government. Thus, one solution (which would emerge to be a radical solution) is to go for a Presidential form of Government.

(b) Looking at the American Perspective:

- In America, the election day is fixed. After every 4 years, the first Tuesday, falling after the first Monday, in the month of November, is the election date. This applies to the office of the President and Vice President of the United States of America.
- Similarly, the days for holding elections for the House of Representatives, and the Senate are also fixed. This is done between the 2nd and the 8th of November. This has been fixed statutorily, i.e. it has been fixed by a law.
- In India, such a concept is not possible because of the Parliamentary form of government. Thus, one solution that can be put forward is India adopting a Presidential form of Government.

(c) Implementing simultaneous elections within the existing system:

- One can also fix the terms of the assembly and the Lok Sabha.
- This can be done by amending various provisions, particularly, Article 83 (which talks about the tenure of the Lok Sabha) and Article 172 (which talks about the tenure of the Vidhan Sabha). Also, Article 356 has to be amended because that authorises the Central Government to impose President's rule for the failure of constitutional machinery in a State. Thus, once we have a fixed tenure, even if the Government is



dismissed, the Government goes, but the assembly remains. Thus, this part has to be taken care of.

- If the existing Parliamentary form of Government continues, the Government is bound to fall, and at times it can fall because of quorum issues. Such issues would need to be tackled and they can be done even within the present framework.



Indian Elections: Past and Present

- Our Parliamentary system is very difficult, different and complex vis-à-vis the American system. Also, the idea of “One Nation, One Election” is not new. We have been holding the elections of the assemblies and the Lok Sabha from 1951-52 till 1967. There are no disputes in terms of the efficacy of “One Nation, One Election”. The problem that needs to be addressed is about its implementation, and how we can enforce it all across India. Also, it is important that we seek a consensus because the Parliamentary system follows the system of traditions and conventions, and at this current juncture, it is difficult to impose a particular idea on all the political parties.
- Synchronising elections from the Lok Sabha, to State Assemblies and even local institutions, is possible, but what is important is how this synchronisation can be done based on existing traditions and conventions. The most important parameter with which things can be synchronised to is the fixed tenure of the Lok Sabha. So, if we keep this parameter as fixed (we have the next Lok Sabha elections due in 2024), the duration of the other assemblies can either be extended or deducted.
- Also, the idea of simultaneous elections in terms of checking the exchequer’s money in terms of poll expenses, party expenses, etc. throws up some important facts. As a matter of fact, in 1951-52, when the first elections to the Lok Sabha took place, the number of political parties and the number of candidates and even the poll expenses, was a very minimal figure.
- For instance, when we compare the poll expenses with the indexing of 2011, the poll expenses were only 11 crores (this was declared and displayed by political parties in 1951-52). Also, the number of political parties that contested the elections in 1951-52 was only 53, and there were around 1874 candidates in total (a figure less than 2000). When we compare this with the figures in 2019, we find that the number of political parties has risen from 53 to 610.
- The number of candidates has also increased from 1874 to around 9-10 thousand. Also, the poll expenses which have been declared by the political parties come up to 60,000 crore rupees. Thus, if we just take the trajectory of these important dimensions, one believes that the idea for “One Nation, One Election”, would be in the interest of the nation. If this is implemented, then India can move towards a vibrant and new democratic system.



Are Simultaneous Elections feasible on the ground?

- When the idea of simultaneous elections was mooted by the Prime Minister in the year 2018, the Law Commission of India examined the constitutional aspects as well as the legal aspects. The Law Commission then gave its interim recommendations. These interim recommendations are also in the public domain.
- These recommendations touched upon two things: a) If simultaneous elections are to be brought in, then the Constitution of India would need to be amended. The Representation of People Act, 1951 would need to be amended. Also, Parliamentary procedures would need to be amended. The Law Commission of India also observed that simultaneous elections would save public money. It would also reduce the burden on the administrative setup and security forces. It would ensure timely implementation of the Government policies, and ensure that the administrative machinery is engaged in developmental activities rather than electioneering. On this score, obviously, opinions and views are not divided. Everybody agrees with this.
- However, some options were recommended by the Law Commission of India. Also, all these options are within the framework of the existing Parliamentary system.
- It is important to note that when we started elections in 1951-52, simultaneous elections were held. But when a State assembly got dissolved in between, it posed to be an obstruction towards conducting simultaneous elections.
- The other way forward is if we alter the basic structure of the Constitution of India. In NDA- I, a committee was formed under the leadership of former Speaker Mr Sangma, and there was a hue and cry that the country cannot afford to alter the basic structure of the Indian Constitution and go for a Presidential form of Government.
- It is important to note that even if we go with the Presidential form of Government, it would also affect the federal structure of the country. So, what happens to the State Assemblies?
- Thus, synchronising the elections of the Lok Sabha and the Rajya Sabha within the existing framework of the Constitution of India with a few amendments is something which can be done through consensus by all political parties.
- The Prime Minister's recent call towards "One Nation, One Election", is to evolve a consensus first among the political parties, then among the intellectuals, and also the media. Now, it is time for a national debate. The very first initiative that the Prime Minister has taken up in the new Lok Sabha is to initiate a debate, amongst the lawmakers of our country. The Prime Minister mentioned that political parties that even have a single member elected to the Lok Sabha would be involved in this consultative process. This is a positive sign, and India has come a long way in strengthening parliamentary democracy in the last 70 years. Also, we are a mature democracy now.
- Thus taking the consensus of all political parties, and other stakeholders, including taking the judiciary into confidence would be the right way forward.



Logistical Challenges as far as the Election Commission is concerned:

- Logistical problems would definitely be there. First and foremost, we are using one voting machine at every polling station for taking a poll. If we hold simultaneous elections, the requirements for the EVM's and the VVPAT's will double. This is because, for every polling station, one would have to provide two sets.
- There would also be some additional requirements of polling staff as well.
- There would also naturally be difficulty in transporting all these materials to the polling stations. Thus, the requirement of transport, polling personnel, and the requirement of central police forces as well would need to be augmented.
- Also, even today in most of the states, the problem of storing the EVM's is witnessed.
- After the elections, states face a problem that concerns storing the EVM's. Thus, many states have taken godowns on rent. With simultaneous elections, the question of storing double the EVM's and double the VVPAT's would emerge. Thus, logistical problems would emerge with simultaneous elections which would also demand the allocation of sufficient money.
- So, there would be a tremendous one-time expenditure, but on the other side, there would be a tremendous saving on the other counts. Also, the country will not always be in an election mode. The Government would be doing constructive, administrative work. Currently, in our country, every 5-6 months in some region of our country, the Model Code of Conduct comes into operation. In those regions, during the period of the enforcement of the Model Code of Conduct, all the developmental activities normally suffer. Having said this, it is not going to be very difficult for the Election Commission if both the elections are synchronised.



Does constant electioneering hinder the work of Governance?

- In India, we have 31 assemblies which go to poll over a 5 year period.
- The elections are also taking place in our country at least twice or thrice in a year across States.
- This does affect the notion of governance and good governance.
- When we accept that we have to hold elections simultaneously once in 5 years, then this would not be a festival, but it would be a grand festival or a “Maha Utsav”. The entire administrative machinery of the Election Commission of India, the paramilitary forces, civilians, administrative officials, besides the political parties and candidates would have to be geared up for this mammoth exercise after a gap of 5 years. Besides the coherence in the electoral process, this would bring about governance, and the voters can judge the policies and programmes of the governments- both at the State level and at the Central level.
- It would be difficult, but certainly not impossible for the Election Commission of India to hold this exercise once in 5 years. In the recent Lok Sabha elections of 2019, in terms of the number of manning officials, around 2,60,000/- paramilitary forces were employed by the Government of India.
- Besides this, 10,00,000/- police officials were pressed into service all across States.
- There were also more than 10,00,000/- polling booths across the country. Thus, if each polling station is being manned by around 4 people, along with 1 BLO (Booth Level Officer), making it a total of 5 people, we arrive at a figure of around 1 crore people involved in the process of conducting elections (paramilitary forces, civilians, administrative officials, and others being engaged). So, if you are holding the elections for all the assemblies and the Lok Sabha at one go (once in 5 years), one can save and optimise costs.



POSSIBLE SUB AGENDAS IN BRIEF

- Voting systems, such as proportional representation, a two-round system (runoff voting), instant-runoff voting, Instant Round Robin Voting called Condorcet Voting, voting, citizen initiatives and referendums and recall elections.
- Vote-counting procedures
- Rules about political parties, characteristically changes to election laws
- Eligibility to vote
- How candidates and political parties are able to stand (nomination rules) and how they are able to get their names onto ballots (ballot access)
- Electoral constituencies and election district borders
- Ballot design and voting equipment
- Scrutineering/ scrutinizing (election monitoring by candidates, political parties, etc.)
- Safety of voters and election workers
- Measures against bribery, coercion, and conflicts of interest
- Financing of candidates' and referendum campaigns
- Factors which affect the rate of voter participation

Important commissions:

- Jaya Prakash Narayan Committee
- Dinesh Goswami Committee
- Jeevan Reddy Committee
- Indrajit Gupta Committee



- Vohra Committee
- Election Commission Reports

Reference Links :

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