

## ONE NATION ONE ELECTION

- *Prasudha. S\**

“Voting is a civic sacrament”

-Theodore Hesburgh

### ABSTRACT:

The concept of one nation one election has stoked a debate in the country. However, the diverse and intricate political nature of our country poses a major challenge for adopting the system of simultaneous elections. This paper discusses about historical and international perspective of one nation one election concept. This paper also advocates advantages and disadvantages of one nation one election concept. To conclude, dynamic changes have to be adopted to bring consistency in this concept. It is not just about elections but about good governance because ballots are more powerful than bullets.

### I INTRODUCTION

One nation one election is a buzz word in all political parties in India in present scenario. Elections and political process have four practical purposes in a democracy. Firstly, they should encourage the best and brightest into public life. Secondly, the most honest, competent and public spirited candidates suited to promote public good must be electable by ethical means. Thirdly, parties should offer clear alternatives to people in terms of policies and priorities. Fourthly, once elected, those in office should be able to govern effectively and deliver on the mandate obtained. In our democratic process, none of these four purposes are fulfilled satisfactorily<sup>1</sup>. India is the largest Democracy in the World. Elections are the most vital and integral part of politics in a democratic system of governance. Democracy can function only upon this reliance that elections are just and fair and not manipulated and rigged. But for certain reasons, system of Democracy is not working properly and

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<sup>1</sup><https://ekcenter.fdrindia.org/sites/default/files/articles/One%20Nation%20%E2%80%93%20One%20Election%20%E2%80%93%20Suraj%20%E2%80%93%20The%20Way%20Forward.pdf>

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common man feels that there is something wrong in the Electoral process. Over the years, Indian electoral system suffered from serious maladies. Thus, the election process in our country is considered as the basis of political corruption. The ideal conditions require that an unprejudiced, and upright person who is public spirited and wants to succor the people, should be able to contest and get elected as people's representatives. But in reality, such a person has no chance of either contesting or in any case winning the election.

## **II ONE NATION ONE ELECTION**

One Nation One Election is one of the major growing concept in India which requires a total change in the structure of conducting elections within India. This concept is increasingly growing popular within India as many political leaders have put forth their views over its application within India. The idea of One Nation One Election is about arranging the Indian election cycle in a manner such that elections to the Lok Sabha and the State Assemblies are synchronized together. India is the most multiplex marketplace for democratic choices on offer, so when UP's voters, comprising 16 per cent of India's population, delivered a historic mandate, it clearly confers: Modi is India — presaging the trend for 2019. With BJP's renewed political invincibility, a prime minister who revels in risk-taking is now expected to roll out a rapid sequel to economic and systemic reforms, and the one for which Modi has been rooting for is One Nation One Election (ONOE).<sup>2</sup>

## **III HISTORICAL PERSPECTIVE OF ONE NATION ONE ELECTION:**

India got its independence from the British rule on 15 August 1947. It took around 2 years for India to prepare the longest written constitution of the world that will govern all the aspects of the country. On 26 January 1950, India became republic as the Constitution came into force on this date. To sprint the country, a representative body was needed, that would represent the will of the people. To form this representative body, general elections were held for the first time in India in the year 1952. India being run by a three-tier government, the elections were held for both the Lok Sabha

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<sup>2</sup> Dalmia Bindu, One Nation One Election, The New Indian Express, New Delhi, 19<sup>th</sup> March, 2017

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and the State Assemblies of the respective states simultaneously. It is interesting to note that the concept of simultaneous elections is in-fact not new to the country. Post adoption of the Constitution, the elections to Lok Sabha and all State Legislative Assemblies were held simultaneously between 1951 till 1967 when the cycle of synchronized elections got retarded. The first general elections to Lok Sabha and all State Legislative Assemblies were held together in 1951-52. That practice continued over 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, that is, Haryana Legislative Assembly in 1968, Bihar and West Bengal Legislative Assemblies in 1969, and Lok Sabha in 1970. The cycle got disrupted for the first time. In 1970, Fourth Lok Sabha was itself dissolved prematurely and fresh elections held in 1971.<sup>3</sup>

After Mr. Modi floated the idea once again in 2016, the Niti Aayog prepared a working paper on the subject in January 2017. In the working paper that the Law Commission brought out in April 2018 it said that at least “five Constitutional recommendations” would be required to get this off the ground. The final decision on simultaneous election is yet to be taken.<sup>4</sup>

#### **IV CONSTITUTIONAL PROVISIONS:**

In order to implement the policy of ‘One Nation One Election’, there are certain amendments that are needed to be effectuated so that a single election can be conducted both for the Lok Sabha and the State Legislative Assemblies. The articles of the Constitution that needs to be amended to implement this policy are discussed below.

- Duration of both the Houses of the Parliament, Council of States (Rajya Sabha) and House of People (Lok Sabha).<sup>5</sup> This article says that the Council of states shall not be subject to dissolution unless one-third of its members retire as soon as the expiry of every second year. This dissolution shall be subject to the provisions made in this behalf by the Parliament. The article continues to talk about the duration of the House of People. It says that the House of people shall continue

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<sup>3</sup> Para 4 – Report of the Parliamentary Standing committee on Personnel, Public grievances, Law and justice - 79th report (Dec 2015) on the topic of simultaneous elections

<sup>4</sup> <https://www.thehindu.com/news/national/one-nation-one-election/article28073916.ece>

<sup>5</sup> Article 83 of the Constitution of India.

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to function for a period of 5 years unless dissolved earlier. The Parliament is subject to the Proclamation of Emergency, that is., in case of emergency, the term of the two houses can extend for a maximum period of one year.

- Every State Legislature shall continue to function for a period of 5 years unless dissolved earlier. Every State Legislature is subject to the Proclamation of Emergency, i.e., in case of emergency, the term of the State Legislature can extend for a maximum period of one year. Clause 2 of the Constitution says that the Legislative Council shall not be subject to dissolution unless one-third of the members retire as soon as the expiry of every second year. The dissolution is subject to provisions made by Parliament in this behalf.<sup>6</sup>
- The President of India to dissolve the House of People. If the President may find it fit to dissolve the Lok Sabha, then he may by a proclamation and a notice to the Speaker of the House of People may dissolve such house.<sup>7</sup>
- The Constitution empowers the Governor of the State to dissolve the Legislative Assembly. If the Governor may find it fit to dissolve the State Legislature, then he may by a proclamation and a notice to the Speaker of the State Legislature may dissolve such assembly.<sup>8</sup>
- In case of emergency the state being under the President's rule, the legislative assembly can be prematurely dissolved by the President of India.<sup>9</sup>

The proclamation of President's rule is significantly stringent in light of the Anti-Defection Act, 1985. In the case of *S.R. Bommai v Union of India*<sup>10</sup> the Supreme Court has laid down the guidelines that need to be followed in order to establish President's Rule in a state. The guidelines are as follows:

“The dissolution of State Legislative Assembly by the President of India is subject to approval of both houses of Parliament; and the validity of proclamation of President's Rule is subject to

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<sup>6</sup> Article 172 of the Constitution of India.

<sup>7</sup> Art 85(2) (b) of the Constitution of India.

<sup>8</sup> Art 174 (2) (b) of the Constitution of India.

<sup>9</sup> Article 356 of the Constitution of India

<sup>10</sup> (1994) 2 SCR 644; AIR 1994 SC 1918

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judicial review. In case the proclamation of emergency is mala fide, the court may set aside the President's Rule and restore the original government.”

- The Constitution says that the Council of Ministers shall be directly and collectively responsible to the House of People. The Council of Ministers derive their legitimacy from the Legislature and remains in power as long as it enjoys the confidence of the latter. A no-confidence motion can be passed if Lok Sabha loses confidence in the Council of Ministers. It can fall any time with the passage of non-confidence motion in that House.<sup>11</sup>
- The Election Commission of India to supervise, direct and control elections to Lok Sabha and the State Legislative Councils.<sup>12</sup>
- Council of Ministers shall be directly and collectively responsible to the Legislative Assembly of the State. The Council of Ministers remains in power as long as it enjoys the confidence of the assembly. A no-confidence motion can be passed if State Legislature loses confidence in the Council of Ministers. It can fall any time with the passage of non-confidence motion in that assembly.<sup>13</sup>
- The Constitution of India which deals with Anti Defection Law<sup>14</sup>. It prohibits the MP or an MLA from disobeying a party Whip on voting for a motion. It particularly lays down the grounds on which a MP or an MLA can be disqualified. A member is disqualified when he/she voluntarily gives up the membership of a party to join an opposing party.
- In addition People's Representation act 1951 would have to be amended to build in provisions for stability of tenure for both parliament and assemblies.

Thus, in order to effectuate the policy of 'One Nation One Election', the Parliament needs to bring an amendment to the above-mentioned provisions of the Constitution and statute so that there can be simultaneous elections in India. For the purpose of an amendment, the Parliamentarians must follow the rules laid down in the Constitution of India.<sup>15</sup>

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<sup>11</sup> Article 75(3) of the Constitution of India

<sup>12</sup> Article 324 of the Constitution of India

<sup>13</sup> Article 164(2) of the Constitution of India

<sup>14</sup> 10<sup>th</sup> schedule of the Constitution of India

<sup>15</sup> Article 368 of the Constitution of India.

**V ADVANTAGES OF ONENATION ONE ELECTION:<sup>16</sup>**

- Impact of black money on the voters will be reduced – party funding would not be required again and again, which would reduce manipulative practices of parties to raise money.
- Casteism –caste politics would be ignited every time elections are round the corner.
- Reduce expenses
- The policy of ‘One Nation One Election’ is beneficial for the Non-Resident Indians as they will now have to visit only once if they have to cast their vote for a deserving candidate of a party.
- Simultaneous elections can also be a means to curb corruption and build a more conducive socio-economic ecosystem.
- Speedy Development Work Smooth functioning of the Government Machinery
- Efficiency of Governance
- Increase in voting percentage – voters participation is motivated by simultaneous election
- Simultaneous election saves time and money

**VI DISADVANTAGES OF ONE ELECTION ONE NATION:**

- Requirement of Huge Machinery & Resources
- Constitutional Problems: One time election seems almost impossible due to democratic set up of the country.
- Delay in Election Result
- Overshadowing the states
- Hung assemblies
- Coalition shift
- Increases expenses

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<sup>16</sup> <https://www.jagranjosh.com/general-knowledge/one-nation-one-election-1561032672-1>

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**VII INTERNATIONAL PERSPECTIVE ON ONE NATION ONE ELECTION<sup>17</sup>**

Simultaneous elections carry an international perspective as well. This system has been carried forward in several parts of the world with ease under similar scenarios.

In South Africa, the national assembly, provincial legislatures and municipal council elections are held simultaneously in a cycle of five years. 'Party list proportional representation' is followed.

In Sweden, parties are given seats according to the proportion of vote they achieved in the elections. County council and municipal council elections are held simultaneously.

Belgium witnesses five different kinds of elections where European elections and federal elections are held every five years, coinciding with each other.

In Indonesia, the presidential and legislative elections would be held simultaneously from 2019. They have made changes in their constitution, striking down some provisions as unconstitutional.

The German constitution doesn't allow removal of chancellor alone by bringing a no-confidence motion. They also have to agree on some replacement.

There are many other countries such as Bolivia, Philippines, Brazil, Costa Rica, and Guatemala etc. However, they all have presidential form of government where elections are held simultaneously along with legislative elections.

**VIII VARIOUS REPORTS:<sup>18</sup>**

- 79<sup>th</sup> report of the parliamentary standing committee on Law and Justice recommended a two-phase election schedule – one concurrent with Lok Sabha elections, the second in the mid-term of the Lok Sabha.
- The report also recommended that in order to hold early elections to Lok Sabha and state legislative assemblies, one of two conditions must be met: (i) a motion for an early general election

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<sup>17</sup><https://www.news18.com/news/opinion/opinion-one-nation-one-election-is-holding-simultaneous-polls-feasible-in-india-2113801.html>

<sup>18</sup> <https://www.clearias.com/simultaneous-elections-india/>

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must be agreed to by at least two-thirds of all members of the House; or (ii) a no-confidence motion must be passed by the House, and with no alternative government being confirmed within 14 days of passing a confidence motion.

- The report concluded that such a reform was “important for India if it is to compete with other nations in developmental agenda on real time basis as a robust, democratic country.”
- Law Commission of India in its 170<sup>th</sup> report (1999) recommended simultaneous elections to Lok Sabha and State Legislative. It suggested that elections to the legislative assemblies, whose term ends six months after the general elections to Lok Sabha, can be clubbed together. However, the results of such elections can be declared at the end of the assembly’s tenure.
- The Election Commission also extended its in-principle support for the simultaneous elections.

## **IX CONCLUSION**

The term “Simultaneous Elections”, ideally simultaneous elections should imply that elections to all the three tiers of constitutional institutions take place in a synchronized and coordinated fashion. What this effectively means is that a voter casts his vote for electing members for all tiers of the Government on a single day. “For democracy to survive, it is essential that the best available men should be chosen as representatives of the people for proper governance of the country. This can be best achieved through men of high moral and ethical values, who win the elections on a positive vote. “Thus in a vibrant democracy, the voter must be given an opportunity to choose none of the above button and also will compel the political parties to choose a sound candidate. This situation palpably tells us the dire need of negative voting,” – The honorable Supreme court.<sup>19</sup>

The policy of one nation one election suffers from various drawbacks but it also has many merits. If the parliament is able to remove all the disadvantages of this policy suffers from implementation in India, then the policy shall have its own magic over the economy of India. To conclude, the intricacies attached with conducting simultaneous elections are not yet comprehensively elucidated by the government. While setting up an expert committee is a good idea to study

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<sup>19</sup> "Election Commission of India: Provision for 'None of the Above' option on the EVM/Ballot Paper 0 Instructions" (PDF). Eci.nic.in. Retrieved 2017-04-02

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and explore different facets of this complex public policy issue, the idea needs extensive deliberations and consensus.