
HARMONISING FEDERALISM AND ELECTORAL SYNCHRONISATION: A CRITICAL APPRAISAL OF ‘ONE NATION ONE ELECTION’

Prof. Aman Amrit Cheema, Director & Professor (Laws), University Institute of Law,
Panjab University Regional Centre, Ludhiana.

Mr. Ankur Taya, Junior Research Fellow (PhD Research Scholar), Department of Law,
Panjab University, Chandigarh.

ABSTRACT

In India, general elections for the House of the People and the State Legislative Assemblies were held simultaneously for first four terms after the independence. However, successive Central Governments started invoking constitutional provisions to dismiss state governments prematurely. With this frequent collapse of coalition governments at the state and central levels, the country began experiencing elections at different times throughout the year. After the 1967 Lok Sabha was dissolved, since then, it is seen that one or the other state has geared up for elections. Currently, on March 14th 2024, the High Level Committee, popularly known as the ‘Kovind Panel’, submitted its report on One Nation One Election (ONOE). The panel has recommended simultaneous elections to be held in 100 days. However, there are some challenges in implementing the ONOE which have been aptly discussed in the report and the researchers would examine the submissions made in the report.

Starting with the concept of ONOE in the first part, the paper would briefly discuss the history behind the concept of simultaneous elections. In the next part, the researchers would analyse the Kovind Panel’s submissions. Both the oppositions to the ONOE and the benefits of having the ONOE would be discussed in the next part. The last part would be discussing the conclusions reached.

Keywords: ONOE, elections, constitution, nation, democracy.

INTRODUCTION

“The Ballot is stronger than the Bullet”

-Abraham Lincoln

Elections are the most fundamental requirement to operationalize the democracy. They are the means to serve the people. In India, every year one or more states geared up for an election. These frequent elections may have drawbacks as the process of campaigning is often very tiring and the cost included is also very high. To get rid of this, a concept named simultaneous elections or one nation one election is gaining momentum in today's political arena.

Simultaneous election means a single voter will vote for both Lok Sabha elections as well as State Assembly elections on the same day, and elections can be conducted in phase wise manner in all the states. However, the basic problem lies in the fact that as per the constitution of India, State and union elections are to be held after a term of 5 years, but the constitution is silent as to whether this is to be done simultaneously or not.

‘Simultaneous elections’ is the method of holding single elections for both Lok Sabha and States instead of separate and continuous elections. The reasons why they are being considered important these days is that there is massive expenditure in elections, diversion of security and civil staff from their primary duties, impact on governance due to the model code of conduct during elections and disturbance to normal public life. More recently, the Hon'ble President of India and the Hon'ble Prime Minister raised the issue of holding simultaneous elections. In other words, they supported the concept of simultaneous elections. With this, there has been renewed interest and discussion over the issue. The ruling party has added a sense of nationalism to it as well by giving a suitable phrase One Nation, One Election (ONOE).¹

The idea of holding state elections with general election is not new in India as it was in practice till 1967 but due to early dissolution of fourth Lok Sabha, elections got separated. The 16th Lok Sabha was constituted on May 18th, 2014. In the ordinary course, its term comes to an end on 17th May 2019 and the new 17th Lok Sabha should be constituted before that. The ECI website has shown a table that displays which state would have to conduct elections and on

¹ Dr. Meenakshi Bansal, “The Concept of One Nation One Election: An Analysis from Indian Perspective” *ThinkIndia* Vol-22-Issue-4-October-December-2019.

which date. The data in the table indicates that the country may possibly witness elections to anywhere between 2 to 5 State Assemblies every 6 months. For instance, in 2022, Goa, Uttar Pradesh, Punjab and Manipur had elections. In 2020, Bihar, Jharkhand and New Delhi had elections. In 2021, Assam, Jammu & Kashmir, Kerala, Tamil Nadu, West Bengal, Puducherry.

There are various politicians, political thinkers, jurists who are advocating.

HISTORY OF ONOE

There was era of simultaneous. The first general elections of free India held simultaneously to the Lok Sabha and the Legislative Assemblies of the States in 1951. The next three cycles of elections also witnessed concurrent Lok Sabha and the Legislative Assemblies of the States in 1951. The next three cycles of elections also witnessed concurrent Lok Sabha and Legislative Assembly elections barring a few stray cases like Kerala, where a mid-term election was held in 1960 on the pre-mature dissolution of the Assembly. Also, in Nagaland and Pondicherry where the Assembly was created only after the 1962 general elections. The last time India had simultaneous elections was in 1967.

The beginning of the end of simultaneous elections was in the year 1967. The forth Lok Sabha constituted in 1967 was dissolved prematurely in 1971. This was the beginning of the end of simultaneous elections. The extension of the term of Lok Sabha during the National Emergency declared in 1975 and the dissolution of Assemblies of some States after the 1977 Lok Sabha election further disturbed the cycle of concurrent elections.

The concept of simultaneous elections has been featured in many reports and studies, essentially implying a return to the previous practice of conducting elections concurrently. In its inaugural Annual Report in 1983, the Election Commission of India advocated the idea of conducting simultaneous elections for both the House of the People and the State Legislative Assemblies.² The Law Commission in its 170th Report in 1999, pointed out that the practice of holding simultaneous elections for the House of the People and State Legislative Assemblies, which was prevalent before 1967, faced disruptions due to various factors. These included the frequent application of Article 356 of the Constitution and the dissolution of State Legislative

² Election Commission of India, First Annual Report (April, 1984).

Assemblies by the Governor based on the Chief Minister's recommendation, among others.³ In January 2017, NITI Aayog formulated a working paper titled "Analysis of Simultaneous Elections: The What, Why and How,"⁴ exploring the prospect of holding concurrent elections for the House of the People and State Legislative Assemblies. The report undertook an elaborate analysis and suggested the shift to simultaneous elections like in the initial decades.

The Law Commission Report (Draft), 2018, again underlined the importance and benefits of simultaneous elections. It observed that by no stretch of imagination would the holding of simultaneous elections adversely interfere with the basic structure of the Constitution.⁵

The current situation is that we have almost 3-4 assembly elections every year in the states.

KOVIND PANEL REPORT

A High Level Committee (HLC) was constituted on September 2nd, 2023 to study the legality, efficacy and modality of having ONOE by the year 2029. The Committee was headed by the ex-President Sh. Ram Nath Kovind and the members included Sh. Amit Shah, Sh. Ghulam Nabi Azad, Sh. N.K. Singh, Sh. Harish Salve and many others. Many mainstream political parties were given the report to discuss upon it, some were in the favour of holding simultaneous election while some were not. Three former High Court justices objected to the idea of ONOE. Also, there were four former Chief Justices who were consulted and all four were in favour of holding simultaneous elections.

Internationally, the countries like South Africa (from 2024 onwards), Germany, Sweden, Belgium and Indonesia have opted the simultaneous mode of elections. One thing that has come out of holding simultaneous elections is that there is increased voter turnout in these elections. The Kovind Panel Report suggested that considering the mammoth size and diversity of our country and unique election process, HLC has attempted to develop a robust model of its own.⁶ Also, A. Shaji George in his research paper titled "One Nation, One Election: An Analysis of the Pros and Cons of Implementing Simultaneous Elections in India" has

³ Report 170th Law Commission of India.

⁴ Government of India, "Analysis of Simultaneous Elections: The "What", "Why" and "How"" (NITI Aayog, 2017).

⁵ Draft Report of Law Commission of India, 2018 published on 31st August 2018. Available at: https://legalaffairs.gov.in/sites/default/files/simultaneous_elections/LCI_2018_DRAFT_REPORT.pdf

⁶ High Level Committee Report on Simultaneous Elections in India 2024. Available at: onoe.gov.in

advocated that simultaneous elections would reduce voter fatigue arising from frequent elections year after year.

The HLC is in favour of holding simultaneous elections. As per the HLC,

“Now, several elections are being held every year. This casts a huge burden on the government, businesses, workers, courts, political parties, candidates contesting elections, and civil society at large...the government must develop a legally tenable mechanism to restore the cycle of simultaneous elections”.

The Committee has proposed that it has made its recommendations in accordance with the spirit of the Constitution and would require bare minimum amendments to the Constitution.

ONOE: THE CHALLENGES AND COMPLEXITIES

The synchronising of elections for different representative bodies in the world's largest democracy poses considerable complexities. It is necessary to analyse the constitutional, administrative and political aspects associated with the idea of simultaneous elections and also address the concerns raised by the stakeholders so that all these are considered before recommendations are made. There are some questions that are raised by those who object the concept of ONOE. The questions formulated are:

It is against the doctrine of ‘basic structure’

It is contended that the duration of both the House of the People and State Legislative Assembly will be for five years “unless dissolved sooner”. Thus the criticism is that as the Constitution mandates fixed terms for Parliament and the State Legislative Assemblies, altering these terms would violate the Constitution’s basic structure. It is also contended that the extension and curtailment of the Assemblies in a phased manner would be an assault on the rights of the States and the rights of citizens who elect their representatives.⁷

Against democratic principles of ‘free and fair elections’

The concept of ‘free and fair elections’ is at risk if simultaneous elections are held, as opined by various political parties. On the contrary, the HLC recommends that it would reduce the

⁷ *Supra* Note 6.

role of financial resources, which is one of the biggest concerns when it comes to free and fair elections. The concept of simultaneous elections in no way affects the governance mechanism, it only provides a way to better manage the whole election process. Moreover, the suggested scheme neither deprives individuals of the right to vote or participate in elections, nor does it dismantle the established system of regular, open, and equitable elections.

Undermines Federalism

The HLC recommends creating the rule of full term and an unexpired term for the constitution of both Houses of the People and the State Legislature Assemblies. The superintendence and control over elections to the House of the People and Legislative Assemblies is vested in the Election Commission, and Art. 327 confers power upon Parliament to make provision for elections for the House of the People and the Legislative Assembly, while the States can legislate in relation to elections to their Legislative Assembly to the extent it is not covered by parliamentary legislation. The Panel is of opinion that the principles of federalism would not in any manner affected by the proposed amendments.⁸

Inability to deal with Hung Parliament/Assembly

One of the contentions put forward by political parties was that no provisions have been made to solve the problem of hung parliament/assembly in case simultaneous elections are held. It refers to a scenario in which a solitary political party or a coalition formed before the election lacks a sufficient number of elected members to attain a majority in the legislative House or Assembly.

The HLC says that the Sarkaria Commission's guidelines should be followed when dealing with the Hung Parliament/Assembly. This Commission recommended a standardised approach for the Governor in selecting a Chief Minister when no party commands an absolute majority in the Legislative Assembly. In its own words, HLC stated:

The constitutional framework provides for enough safeguards to foster a resilient and vibrant democracy. As we navigate the constitutional landscape, it becomes amply clear that the holding of simultaneous elections in no way compromises the federal structure and democratic

⁸ Md. Abdul Jalil, "A Critical Study on Evaluation of Election and Electoral System in India" *International Journal for Advanced Research in Science & Technology* available at: <https://www.ijarst.in/public/uploads/paper/323921707394593.pdf>.

values.⁹

RATIONALE BEHIND ONOE

The rationale for simultaneous elections emanates from various factors, each contributing to the overarching objective of enhancing the efficiency, effectiveness, and integrity of the electoral process. The holding of simultaneous elections is conducive to achieving of administrative convenience and better utilisation of the resources involved. In a populous and diverse country like India, the conduct of multiple elections across different levels entails a significant mobilisation of resources. Synchronising the electoral cycles of the House of the People and State Legislative Assemblies simultaneously offers a pragmatic solution to streamline the electoral calendar, facilitates administrative convenience and optimises the use of financial and human resources. According to the HLC's opinion, the rationale for holding simultaneous elections can be highlighted under the following heads.

Promotes stability and consistency in Governance

In India, there is an election at any given time during the year in at least one part of the country. The biggest casualties of this are development and governance and the delay in policy-making owing to the imposition of the Model Code of Conduct being in force for a prolonged period. In a span of five years (2019-2023), the country went through one General election and thirty elections for the various State Legislative Assemblies. Hence, there are 4-5 state elections every year in India. Due to this ongoing cycle of elections, the political parties and their leaders, legislators devote their time and resources towards these elections rather than focussing in their own areas and on matters of governance. Therefore, the adoption of simultaneous elections would shift the government's attention to developmental activities and the implementation of policies aimed at promoting the welfare of the masses.¹⁰

Prevention of Policy Paralysis due to frequent Model Code of Conduct

The implementation of the Model Code of Conduct (MCC), which serves as a set of guidelines to ensure fair and free elections and monitors the conduct of political parties and governments, also affects the pace of the developmental programmes and related activities in States

⁹ Supra note 6.

¹⁰ "One Nation, One Election' Explained. What is it and How It Can Work" *ndtv.com* available at: <https://www.ndtv.com/india-news/lok-sabha-election-2024-news-one-nation-one-election-explained-what-is-ithow-can-it-work-5236599>

undergoing elections. It also halts the routine administrative initiatives until the elections conclude.¹¹

The frequent elections result in the prolonged enforcement of the MCC that results in policy paralysis and governance deficit. Apart from routine administrative tasks, the implementation of other welfare schemes and progress of government projects are compromised until the MCC is lifted. At times, vital schemes get affected by ongoing elections even though the MCC is not in operation in the entire State or the country. The Government(s) may also defer taking decisions on critical and crucial projects which have to be undertaken in a time-bound manner, thereby slowing down the pace of such projects.

Mitigating the diversion of Government machinery and resources of Public Institutions

During the 17th Lok Sabha elections in 2019, the ECI had enlisted approximately 70 lakh personnel to serve as polling officials, overseeing the election process at 12,03,800 booths. Therefore, it is clear from this data that there is enormity in election-related deployment. Polling booths are located in schools both government and private. The staff and teaching personnel of these schools are required to undertake election related duties, diverting them from discharging their primary responsibility of providing education. Not only are schools closed on the days of the poll, but they are also closed in advance for preparatory measures. A similar phenomenon is seen in the case of employees of Central and State Governments, as well as Public Sector Undertakings (PSUs), who are assigned election related duties. These officials are further required to undergo training related to election procedures, etc. which also diverts them from their routine responsibilities. The occurrence of frequent elections compounds the above situation.

It is seen that substantial government machinery, officials, teachers, civilian personnel and other staff of public institutions are involved in the smooth conduct of elections. This entails the diversion of their attention from their core responsibilities. Simultaneous elections would ensure that such machinery and resources are deployed less frequently.

¹¹ Supra Note 6.

Enhancement of Voter Turnout and Voter Fatigue

Prof. Csaba Nikolenyi¹² of Concordia University Canada, in his study, has found that the current practice of holding separate elections in India is discouraging the greater participation of the electorate in the democratic process. The multiplicity of elections has led people to selectively choose the elections in which they want to participate, resulting in lesser voter turnout in the remaining elections. The phenomenon of voter fatigue witnessed during the staggered elections has considerably affected the uniformity in voting percentages.

His study suggests that holding simultaneous elections for both the national and state levels would increase voter turnout. In this scenario, the electorate would only need to visit the polling booth once to cast their votes for all elections that are conducted simultaneously. The continuous cycle of elections negatively impacts voting behaviour, leading to a decline in voter participation. Simultaneous elections present an effective solution to rejuvenate voter involvement in various elections. Considering these factors, simultaneous elections serve as an effective measure to reduce the deployment of public resources, address significant malpractices in the current election system, and shift the focus towards good governance.¹³

Shackel and Dandoy, in their study, they have also emphasised the benefits of having simultaneous elections.¹⁴ They attribute this effect to increased stakes for political agents, focused campaigns addressing diverse issues at multiple levels, and heightened press coverage for all tiers of elections making electoral campaigning more accessible for both contestants and voters.

In 1999, Kerala's elections were held along with the national elections, this led to an increase of twenty percent in voter participation. Similarly, empirical data reveals that simultaneous elections in northeastern States alongside national elections saw an increased voter turnout by 21% in Arunachal Pradesh and 17% in Assam. This evidence reflects the positive impact of simultaneous elections on voter turnout, even in geographically remote areas, reinforcing its significance.¹⁵

¹² Study by Csaba Nikolenyi, "Concurrent Elections and Voter Turnout: The Effect of Delinking of State Elections on Electoral Participation in India's Parliamentary Polls, 1971- 2004."

¹³ *Ibid.*

¹⁴ Arjan H. Schakel & Régis Dandoy, Electoral Cycles and Turnout in Multilevel Electoral Systems, *West European Politics*, 37:3, 605-623 (2014). ¹⁵ *Ibid.*

Focus on Governance

A crucial concern revolves around the ongoing cycle of elections occurring in different parts of the country. Political parties, including those in power at both the national and state levels, often focus more on election-related activities to ensure the victory of their respective parties. This preoccupation with elections diverts the attention of lawmakers from essential matters of good governance and development, shifting their focus toward campaign efforts. If elections were less frequent or synchronised, parties would be better positioned to dedicate their time and efforts to meet the needs and requirements of the electorate. This approach could lead to a substantial reduction in instances of hate speeches, conflict, and other law and order problems associated with heightened electoral activities and aggressive campaigning.¹⁵

Reduced Financial Burden

The rationale for simultaneous elections, inter alia, emanates from its far reaching economic and social multipliers. This includes issues like its impact on rates of economic growth, on fiscal deficit, quality of public expenditure (capital vs. revenue) and mitigating uncertainties with adverse impacts on investments.¹⁷ Frequent elections impairs policy decisions, retards ongoing welfare and government projects, and has many other disruptive social consequences. For instance, the involvement of teaching staff from schools impact the quality of education outcomes. The frequent deployment of law and order machinery, including paramilitary forces has an adverse impact on crime rates. The frequent elections also create uncertainty for both business and investors communities.

Conclusion

The holding of simultaneous elections for Union and State Legislatures along with the synchronisation of the elections of Local Bodies represents a transformative reform aimed at reinvigorating India's democratic governance. By aligning electoral cycles and rationalising electoral expenditures, simultaneous elections offer a pathway to enhance efficiency, political stability, and fiscal sustainability. Simultaneous elections offer a robust and multi-pronged solution to overcome challenges and strengthen the electoral process comprehensively and aid

¹⁵ Report on Simultaneous Election, Law Commission of India (2018).

¹⁷ *Supra* note 5.

in overall prosperity.

Simultaneous elections may usher in an electoral architecture which augments the efficiency, effectiveness, and inclusivity in our democratic process. It further addresses the challenges of administrative complexity, financial strain, and voter disengagement. As the nation embarks on the path toward electoral reform and innovation, the concept of simultaneous elections emerges as a beacon of hope and progress, signalling a transformative journey toward a more vibrant, resilient, and participatory democracy.