
ONE NATION ONE ELECTION IN INDIA: ADDRESSING THE CHALLENGES & WAY FORWARD

Kartikey Bajpai, Research Scholar, Department of Law, School of Legal Studies, BBAU,
Lucknow

ABSTRACT

This Article attempts to explore the idea of ‘One Nation One Election’ or ‘Simultaneous Election’ in India and its meaning, history, favorable and opposing arguments, the desirable balance, concerns of the parties not in support of the idea and finding a way forward that can accommodate these concerns and take an approach without creating a trust deficit in the political world.

Firstly, the author try to explain the concept and exactly what the proponents of the idea mean when they say that India needs ‘One Nation One Election’; does it mean that all the elections that are conducted in India or some particular elections only come within its purview?

Secondly, I trace the History of the Indian Electoral system to understand whether this demand is for a new change in Indian politics or something we originally had and got diverted from, in the case of the latter when and how these elections became Asynchronous.

Thirdly, I try to explore some foreign nation’s approaches regarding simultaneous elections such as USA and UK from where we are significantly influenced in our political system.

Fourthly, I delve deep into the favorable and opposing arguments and try to critically analyze the merit in them.

Fifthly, I suggest the approach that needs to be taken to deal with the issue and the steps that need to be taken to adopt this policy successfully along with the necessary amendments in the Constitution of India and supporting statutes.

Keywords: Election, India, Simultaneous

INTRODUCTION

Meaning:

India is not foreign to the concept of Simultaneous Elections; in fact it started its democratic journey with elections of Lok Sabha and State Legislative Assembly along with the Election of President, Vice President, and Rajya Sabha, all at the same time in 1951-52. It is pertinent to note that Local Bodies like Village Panchayats or Municipal Bodies as we know today didn't exist in the Original Constitution as a body, it is only after the Constitution 73rd and 74th amendments in 1992 that they came to exist.

One Nation One Election (hereinafter referred to as Simultaneous Election) doesn't mean elections throughout the country at the Central, State and Local Level at the same time on the same day, instead it is a concept from the point of view of a single voter which makes it possible for him to be able to vote for his panchayat/municipality representative, his MLA, and his MP at the same time in the same polling booth on the same day. This process can extend to multiple phases that can range from 1 month to 2 month to get all the votes from different individual voters which would also result in ease of distribution in management, staff and machinery across different places in different periods of time.

So to simplify, when we say Simultaneous Election it doesn't mean Elections throughout the country happening at the exact same time, or at the exact same day, rather it is from the point of view of a voter from whose perspective voting for the election of his representatives at Local level (Panchayat or Municipality), State level (MLA) or Central level (MP) happens on the same day in the same polling booth.

With the exception of dissolution of few state assemblies such as Kerala in 1959 when the Centre invoked Article 356 of the Constitution to dismiss the ministry headed by E M S Namboodiripad of the Communist Party, which had assumed power after elections in April 1957, this was followed by state elections in February 1960, India substantially witnessed simultaneous elections from 1951-52 to election in 1967 every 5 years, post which, due to rampant use of constitutional powers under Article 85, 174 and 356 of the Constitution of India, early dissolutions¹ of legislatures

¹ Article 85 and Article 174, Constitution of India.

including Loss of Majority (No Confidence Motions, Defection from one party to another by chosen elected representatives), Use, Misuse and Abuse of Article 356 of the Constitution of India, consequentially, the Election commission of India had to start conducting elections of Lok Sabha and State Legislative Assemblies of different states at different times resulting in asynchronous election cycle in India and then a fresh period of 5 years² again gets commenced subject to the dissolution of the houses.

Out of Seventeen Lok Sabha as many as six Lok Sabha elected in 1967, 1977, 1980, 1989, 1996 and 1998 witnessed pre-mature dissolution. Two Lok Sabha were dissolved before their tenure in 1971 and 1984 by Indira Gandhi and Rajiv Gandhi respectively using powers under Article 85, Constitution of India even when the then Government was having the confidence of Lok Sabha which were scheduled to be dissolved in 1972 and 1985 respectively.

Scope:

It is important to specify which elections are coming within the purview of Simultaneous Elections since elections for multiple bodies happen in India almost every year. So let me briefly lay out the elections that are conducted in India and then highlight those which are the focus of simultaneous elections.

At Central Level: Election of President of India, Election of Vice President of India, Election of Lok Sabha & Election of Rajya Sabha

At State Level: Election of State Legislative Assembly & Election of State Legislative Councils

At Local Level: Election of Panchayat & Election of Municipality

Elections at the Central and State Level are conducted by Election Commission of India under Article 324 of the Constitution of India while Elections at the Local Level are conducted by State Election Commission under Article 243-K and 243-ZA of the Constitution of India.

In the concept of Simultaneous Election, the perspective of the voters who directly elect their representative is at the core; therefore we need to pick only those elections where the voting is directly by the voters of the country and not indirectly through their elected representative. Since

² Article 83 and Article 172, Constitution of India.

at Central Level, only the election of Lok Sabha is the one where people directly elect their Member of Parliament, and at the State level, only the election of State Legislative Assembly is the one where people elect their MLA's directly, and at the local level both the panchayat elections and municipality elections are direct. So the elections that come within the concept of simultaneous elections, the synchronization of which is the main concern of its proponents is;

Lok Sabha

State Legislative Assembly

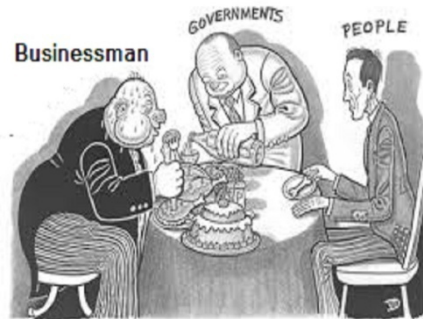
Panchayat and Municipality

As on January. 7th, 2024 Total No of Gram, Intermediate and District Panchayats as per Ministry of Panchayati Raj at a Glance 2,62,569³, hence it is relatively difficult to synchronize elections at this level along with Lok Sabha and Vidhan Sabha (State Legislative Assembly). However, the goal is to encompass Local Body Elections when it becomes practicable in the near future in the competent opinion of the government. The discussion on the issue is generally seen limited to Lok Sabha and State Legislative Assembly elections and not Panchayat & Municipality elections however; we believe that such a policy can be a lot more beneficial and fruitful if we can hit 3 targets in 1 stone.

Relevance:

Simultaneous Elections are proposed by its proponents because it would save huge amount of time and money of government and citizens, prevent corrupt practices such as 'Crony Capitalism' and pull the nation out of the continuous election mode that hampers developmental projects and governance due to guidelines of the Model Code of Conduct

³ Ministry of Panchayati Raj, India



'Depiction of Crony Capitalism'

History of demanding simultaneous elections:

The nation seriously saw the rampant use of Constitutional provisions Post-1967 (1967-1999) by political parties and representatives in the '*Game of Thrones*' for power struggle. We will see briefly detailed history of how exactly did the election cycle of Lok Sabha and State Legislative Assemblies became asynchronous after it all started together in 1951-52 elections in the next part of this article titled 'History of Indian Electoral System'. Here let's just take a quick look as to the demands for simultaneous elections made by different Constitutional bodies, Political leaders, Commissions and Committees in response to the chaos as a solution.

1982: Election Commission of India recommended holding simultaneous elections of Lok Sabha and State Legislative Assemblies of multiple states⁴. Tamil Nadu was the only state where the government acted upon this recommendation in 1984 and dissolved its assembly prematurely in order to hold its elections simultaneously with the Lok Sabha. The Commission said that all other normal functions and activities of the government, including developmental work, are pushed to the background. Millions of Security personnel and staff need to be allocated twice which could be done in a single time if simultaneous elections were to be held.

Since it is the Election Commission of India that conducts Elections to these bodies and it bears the load that asynchronous elections bring with them, it was reasonable that it needed to raise this concern.

⁴ , "History of 'One Nation, One Election': EC Sought It in 1982; Tamil Nadu's Failed Bid to Be Role Model in '84", *News18*, Sept. 04, 2023

1999: 15th Law Commission of India gave its 170th report under the Chairmanship of B.P. Jeevan Reddy titled 'Reform of the Electoral Laws' also recommended simultaneous elections of Lok Sabha and State Legislative Assemblies. It was pointed out that this is not a one day change rather it needs to be adopted gradually. In the report it stated that, 'We must go back to the situation where the elections to Lok Sabha and all the Legislative Assemblies are held at once.'⁵

2003: Union Home Minister Mr. L. K. Adwani said that their party will bring this matter into discussion in an all party meeting to arrive at political consensus. Left parties strongly opposed this proposal.

2015: Department related Parliamentary standing committee on Personal grievance, Pensions, Law & Justice also recommended for simultaneous elections in its 79th report titled 'Feasibility of holding simultaneous elections to the House of the people (Lok Sabha) and State Legislative Assemblies'. It was observed in the report that, 'The holding of simultaneous elections to Lok Sabha and State assemblies would reduce: (i) the massive expenditure that is currently incurred for the conduct of separate elections; (ii) the policy paralysis that results from the imposition of the Model Code of Conduct during election time; (iii) impact on delivery of essential services and (iv) burden on crucial manpower that is deployed during election time.'⁶

2017: Bibek Debroy (Member of NITI Ayog at the time) and Kishore Desai (Officer on Special Duty, NITI Ayog at the time) wrote a well researched paper titled *Analysis of Simultaneous Elections: The "What", "Why" and "How"*, in which they stated that, 'In the last 30 years, there has not been a single year without an election to either a State Assembly or to Lok Sabha or both. Analysis in the above paragraphs indicates that the same situation is likely to prevail going forward as well. While this situation leads to several avoidable issues – massive recurring expenditures by the Government & stakeholders, prolonged deployment of security forces and official manpower and so on, the biggest adverse impact is on governance, policy making and developmental activities.' Also it was stated in the paper that 'the elections of 2009 had cost the exchequer about

⁵ Law Commission of India, "170 Report on Reform of the Electoral Laws" (1999)

⁶ Government of India, "Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies" (Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law And Justice, Rajya Sabha, 2015)

Rs 1,115 crore, and the 2014 elections about Rs 3,870 crore. The total spent on the elections, including the expenses incurred by parties and candidates, was several times more.’⁷

2018: The Law Commission of India under the Chairmanship of Justice B.S. Chauhan released its draft report on Simultaneous Elections. Simultaneous Elections will lead to the saving of public money, reducing the strain on the administrative setup and security forces, timely implementation of government policies, and administrative focus on development activities rather than electioneering. The report said that, ‘simultaneous elections could not be held within the existing framework of the Constitution. These could be held together “through appropriate amendments to the Constitution, the Representation of the People Act 1951, and the Rules of Procedure of Lok Sabha and state Assemblies.’ It recommended, ‘replacing the ‘no-confidence motion’ with a ‘constructive vote of no-confidence’, through appropriate amendments. In a constructive vote of no confidence, the government may only be removed if there is confidence in an alternate government. In cases where mid-term elections must be held. The Commission recommended that appropriate amendments be made to provide that any new Lok Sabha/Assembly formed after mid-term elections, will be constituted only for the remainder of the previous term, and not for the entire five years.’⁸

2014 & 2019: As a key promise in the BJP Election Manifesto.

2019-2020: Prime Minister Narendra Modi and Election Commission of India spoke about the need of simultaneous elections and the needed changes in the Constitution to make it happen. Then Chief Election Commissioner Sunil Arora said that even though the Election Commission would “prefer it”, but he did not see it “happening very shortly”. He said it could happen only if political parties “sit together and evolve some consensus. Do the requisite amendments in the law, so that (poll) cycle can be brought together,”⁹

2023: Now in 2023, the Issue is again gaining prominence in political and academic discourse. Recently in September, Union Government constituted a 8 member high level committee under

⁷ 2017, Bibek Debroy & Kishore Desai, Analysis of Simultaneous Elections : The “What”, “Why” and “How”

⁸ Law Commission of India, “Draft Report on Simultaneous Elections” (2018)

⁹, “Govt Forms Committee on Simultaneous Elections: What is the Idea, and the Arguments Around It?”, *The Indian Express*, Sept. 01, 2023

chairmanship of former President Mr. Ram Nath Kovind in order to find the most optimal way to adopt *One Nation One Election* policy.

This article will address the arguments in favor and against and arrive at a justified conclusion as to what weighs more in terms of public interest and whether one can be accommodated for the sake of other with minor adjustments.

HISTORY OF THE INDIAN ELECTORAL SYSTEM

Before going into the history, we must first know just as a pre requisite, the reasons for Lok Sabha and Vidhan Sabha dissolution in India which is the main reason for fresh elections in both these legislatures leading to dissociation of election cycles.

Reasons for disturbance in Lok Sabha's default term:

There are mainly two reasons for this disturbance and they are as follows;

1. No Majority: The Government in a Democratic system like India is contingent upon enjoying majority in the House of the People. The three main reasons the Government loses this majority prior to completion of its term are as follows;

a. No Confidence Motion: The Cabinet i.e. the Union Government is collectively responsible¹⁰ to the Lok Sabha and if at any time after leave to move the No Confidence motion¹¹ is asked by a member of Lok Sabha, and at least 50 Members of Lok Sabha rise in favor, the Speaker shall declare that leave is granted. If the motion is passed by simple majority, then the government gets dethroned and ministers must resign and if there are no other alternatives before the president to forming government by coalition of members of Lok Sabha then and Lok Sabha stands dissolved and fresh elections must happen.

b. Weak Coalition: The period of Indian Politics between 1977-1999 can be said to be the period of weak coalitions where at times even 15-20 political parties formed the government in Union by coalition. Clearly, the bond gets weak because everyone wants a say and leverages their

¹⁰ Article 75(3), Constitution of India

¹¹ Rule 198, Chapter XVII, Rules of Procedure and Conduct of Business in Lok Sabha

support for policy change and prominent positions in the govt. Hence whenever the coalition gets broken, government loses majority and fresh elections happen.

c. Defection: '*Aya Ram Gaya Ram*, A famous saying followed by an Independent MLA 'Gaya Lal' in Haryana in 1967 changing political party 3 times within 9 hours of being elected. India did not have anti-defection law back then which was incorporated only after 52nd Constitutional amendment in 1985 by which 10th Schedule was added making disqualification from membership on grounds of defection unless 1/3rd members merge in the other party together, a number which was increased to 2/3rd by 91st Constitution amendment in 2003.

2. Prime Minister's Choice: Technically, President of India has the power to dissolve the House of the people (Lok Sabha)¹² but since in the parliamentary democracy, this power is exercised only on the advice of the council of ministers headed by the Prime Minister. And this power has been used multiple times in Indian politics

Reasons for disturbance in State Legislative Assembly's default term:

Above mentioned reasons in Point 1 and 2 (No Majority and Prime Minister's Choice) are similar *mutatis mutandis*¹³ in case of State Legislative Assembly. However there is an additional reason which is as follows;

3. Use/Misuse/Abuse of Article 356, Constitution of India: President's Rule or as laymen refer as State Emergency is a way to take control of governance of a State by the President on the advice of the Union Council of Ministers by which the State Legislative Assembly gets dissolved and the legislative control is taken over by the Parliament and the executive control is taken over by the President in the State's territory for a maximum period of 3 years. This provision has sometimes been bona-fidely used, but on most of the occasions, the common consensus of country believes it to be misused and sometimes even abused to dissolve popularly elected governments in the State by the Union Government for political agendas.

¹² Article 85, Constitution of India

¹³ Replace Lok Sabha with State Legislative Assembly, Prime Minister with Chief Minister, Article 85 with Article 174, Lok Sabha Rules of Procedure with Concerned State Legislative Assembly's Rules of Procedure

India's Electoral system during 1952-1967:

After India gained independence on 15th August, 1947, the Constituent assembly which was constituted on Dec. 9th, 1946 formed an *Interim Government* which governed from 1947-1951 composed mainly of members of Indian National Congress and some members from other political parties such as Dr. B. R. Ambedkar from Scheduled caste federation and Shyama Prasad Mukherjee from Hindu Mahasabha. The purpose of this government was to hold the fort until proper general elections can be conducted in the country.

The First General and Simultaneous Elections in the country were conducted in 1951-52 in which firstly there were simultaneous elections of Lok Sabha and All State Legislative Assemblies between Oct, 1951- Feb, 1952, secondly, in Mar, 1952, Elections to Rajya Sabha took place, thirdly in May, 1952, Elections to President followed by Vice President were conducted by the Election Commission.

Second Simultaneous Elections were conducted in 1957.

Third Simultaneous Elections were conducted in 1962.¹⁴

Fourth Simultaneous Elections were conducted in 1967.

Until now all Elections were happening in sync with the other with the exception of Kerala only in 1959 where it is argued that for the first time Article 356 was misused when Pt. Nehru was Prime Minister and Smt. Indira Gandhi was the President of Congress where the first democratically elected communist government was dethroned. From here, the cycle of Kerala Elections were disconnected with other election cycles where Article 356 was imposed on various occasions till 1980.

India's Electoral system Post-1967

For the purpose of One Nation One Election, as we have already agreed to only include those elections where common voters of this country vote directly. Hence it is a mute point to go in detail

¹⁴ It is important to remember that in 1964 and 1966, Former P.M. Jawahar Lal Nehru and Lal Bahadur Shastri died. However, when a P.M. dies, it does not impact Lok Sabha or Union Government meaning thereby that Lok Sabha does not get dissolved. Rather the Members of Lok Sabha simply chose another member as their Prime Minister. Hence these events do not affect the election cycle.

regarding Elections to Rajya Sabha, President and Vice President. Hence Let us briefly focus on how the election cycle of Lok Sabha and various State Legislative Assembly were dissociated from their natural term.

Lok Sabha: The normal cycle for Lok Sabha Elections should have been from 1952-1957-1962-1967-1972-1977-1982-1987-1992-1997-2002-2007-2012-2017-2022.....*and so on*. But Post 1967 elections, the next elections that were supposed to happen in 1972 were preponed in 1971 when then Prime Minister Indira Gandhi decided to dissolve the Lok Sabha in order to conduct elections before their scheduled time. It disturbed Lok Sabha election cycle for the first time since its inception in 1952.

Now the next Lok Sabha elections were supposed to happen after 1971 in 1976 were extended to 1977 by the 42nd Constitutional Amendment in 1976¹⁵ which increased the terms of Lok Sabha and State Legislative Assembly from 5 years to 6 years by amending Article 83 and Article 172 of the Constitution of India. As a result the election happened in 1977 when Morarji Desai formed union government.

This term should have ordinarily lasted till 1982 when fresh elections were scheduled, but the Union government headed by Morarji Desai lost majority in 1980 and government fell down. So fresh elections happened in 1980 again where Indira Gandhi again came to power.

In 1984, Indira Gandhi was assassinated and Rajiv Gandhi was chosen as the Prime Minister, who decided to dissolve the Lok Sabha using Article 85 for conducting elections in 1984 which was about 3 months prior to its scheduled time in 1985. Hence fresh elections again happened in 1984.

From 1984 elections this time, Lok Sabha completed its term to 1989. In 1989 elections, V.P. Singh became India's Prime Minister who could not complete his term since Government lost its majority in 1991 and elections were again conducted in 1991 in which Lok Sabha chose P.V. Narsimha Rao as its Prime Minister which completed its 5 year term properly in 1996.

In 1996, Lok sabha again formed after elections, but government again fell because of lack of majority in 1998.

¹⁵ This amendment was reversed by 44th CAA, 1978 by which duration again reverted to 5 years in both the Lok Sabha and State Legislative Assembly.

In 1998, Atal Bihari Bajpai became P.M. after elections whose government again fell in 13 months due to passing of a No-Confidence Motion against government in 1999.

Since then Lok Sabha is able to complete its term since Governments were becoming stronger and period of coalition substantially ended which could be said to be prominent between 1977-1999. Hence the elections to Lok Sabha took place in 1999, then 2004, 2009, 2014, 2019 and the next Lok Sabha Elections are scheduled in 2024.

State Legislative Assembly and Union Territories: There are various provisions in Indian Constitution and Statutes for President's Rule in States and UT's having Legislative Assembly such as Article 356 of Constitution of India for States, Article 239AB of Constitution of India for the Union Territory of Delhi & Sec 51 of Government of Union Territories Act, 1963 for Union Territory of Puducherry (known as Pondicherry prior to 2006).

As already discussed in the previous part of this article about the broad reasons for disturbance in the period of State Legislative Assembly, one of which was use of Article 356 of the Constitution of India which has been probably the most prominent of them all.

Post 1967, the use of President's Rule provision tremendously increased in the States. Perfectly legitimate state governments have sometimes been fired to either make them fall in line or to give the Union government's own party a chance at obtaining power in the state. In 1968-69, Congress stood divided in two, one part under the leadership of Indira Gandhi and the other under the leadership of Morarji Desai leading to withdrawal of support from one sect to another in the states. A lot of States were under President's Rule like UP, Bihar, West Bengal during this period.

In 1977 Post-Emergency, Janata party lead by Prime Minister Morarji Desai imposed President's Rule in 9 States and dismissed the democratically elected government by Congress, 7 out of which were won by Janata Party in the fresh elections.

In 1980, Indira Gandhi again came to power and now she imposed President's Rule in those states again and dismissed the democratically elected government by Janata Party. Clearly no one was trying to play fair but exploit every loophole in the Constitution for power and revenge fueled objectives.

This provision was used more than 100 times post India's Independence hence it is not possible to

trace all such instances, for which a separate article needs to be written.

For these reasons, the Election Cycle of Lok Sabha and State Legislative Assemblies got more and more dissociated from each other over the years and we are where we are now.

Attempts to create a more stable Government:

52nd CAA, 1985 and 91st CAA, 2003: Defection of Elected representatives was attempted to be regulated by incorporating Anti-Defection Law in 10th Schedule of Indian Constitution. And Hon'ble Supreme Court through its Constitutional bench in *S R Bommai v. Union of India, 1994* laid down certain guidelines circumscribing the conditions for proclamation of President's Rule by the Union Government. The guidelines state:

- a) the dissolution of State Legislative Assembly by the President of India is subject to approval of both houses of Parliament; and
- b) the validity of proclamation of President's Rule is subject to judicial review. In effect, the President can put Legislative Assembly in suspended animation but *cannot* dissolve it without concurrence of both Houses of Parliament. The Judiciary can examine validity of such proclamation and restore the dismissed State Government and revive dissolved Legislative Assembly if Article 356 is found to be mala fide in its use.

SIMULTANEOUS ELECTIONS IN OTHER NATIONS

USA: United States of America follows Presidential Form of Government where President is head of state as well as government. It is the most Federal form of government among all countries in the Globe. Elections are held at different levels here; firstly at Central (Federal) level where election of President, Vice President, House of Representatives and Senate take place, secondly at State Level where election of Governor, and Election of membership in Bicameral Legislature of 49 states and only 1 House in State of Nebraska making a total of 99 houses in the 50 states of USA take place.

It can be seen that USA substantially follows Simultaneous Elections. Let us briefly see how?

In USA, law says that elections are to be held on 'even years' and those years which are divisible by 4 will be years for Presidential elections. Therefore, Presidential Elections are held every 4

years like 2000, 2004, 2008, 2012, 2016, 2020, 2024..., and House of Representatives elections are held every 2 years like 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, 2016, 2018, 2020, 2022, 2024..., Senate is a body which does dissolve but only 1/3rd members are replaced every 2 years and every member therefore has a term of 6 years. Due to this reason, it is not possible to hold elections of Senate alongside President, Vice President and House of Representatives however it does coincide inevitably a few years.

States of USA also hold elections substantially simultaneous with Federal Elections with a very few discrepancies here and there.

UK: United Kingdom follows a Unitary and Parliamentary system of Government. There is no President there since it has a Crown in its place which needs no election because it is a monarchy. Parliament is the most powerful body in United Kingdom which can do anything on paper. In terms of Bicameral Legislature, House of Common is the most powerful where elections are held, whereas members of House of Lords are not elected and consist of upper class people who generally hold office for life.

There are Devolved Assemblies in United Kingdom similar to States in India who derive their power from Union and not through a written constitution like India. However, they are allowed generally to act independently and Union does not interfere much in their functioning. Such devolved assemblies are Northern Ireland, Wales and Scotland where elections are held. And Local/Mayoral elections are also generally held on 4 years.

Term of House of Commons is 5 years whereas of Devolved assemblies and Local/Mayoral elections are only 4 years. Hence with exception of House of Common, First Thursday of Month of May, also known as Super Thursday is a fixed day for conduct of elections in United Kingdom. Hence we can say that UK also substantially follows Simultaneous Elections.

Sweden: Sweden holds its elections for municipal councils & county concurrently with its general elections also known as Riksdag elections every four years. General elections for the Riksdag, Regional or County council assemblies, and Municipal councils are held together in Sweden every four years. The polls are usually held in September. What's most interesting is that all these elections in Sweden take place on the same day.

South Africa: In South Africa, National and Provincial elections are held every five years simultaneously where voters are provided separate ballot for voting in both at the same time.

FAVORABLE AND OPPOSING ARGUMENTS

Favor: Not just about money but bigger reasons.

Governance: Policy paralysis is a big concern. There has not been a single year in 30 years when elections are not being held somewhere in the country.¹⁶ During elections, Model Code of Conduct prohibits any kind of developmental programmes for benefit of public because ECI believes that it might create favorable outcomes for ruling party to the disadvantage to other parties which is not equitable. Model Code of Conduct is a document that regulates what can and cannot be done during the Elections. It was first adopted in 1968 in India. The purpose of Model Code of Conduct was to equalize the opportunity of winning the elections for all political parties and take away the advantage from the ruling party. The Country being constantly in Election mode diverts the policy makers from making policies and devoting that time for public benefit to making sure that they can help their party win an election in some other part of India. Also, need of huge number of staff (about 10 million) continuously for management of election pulls out those people from performing their primary function and engage in election activities multiple times instead of just once. Security forces even have to stay a lot of days prior to and after the elections are successfully conducted to maintain peace in the area.

Social Fabric: In India, we are all familiar with the famous lines of Late Mr. Rahat Indouri where he said, '*Sarhadon par tanaav hai, lagta hai desh mein chunav hai.*' India is a land of diversity, and most of the times votes are asked by polarizing people in different classes and for doing that a lot of times communal, regional, religious tensions are fabricated leading to fracture in the social fabric of the country. More elections, more damage to social fabric.

Corruption: Elections require a lot of expenditure, and election at different times magnifies it even more. To recover such huge amounts of money, it is inevitable that parties require money and there begins the recourse to unfair and illegal means. Also to meet demand of huge

¹⁶ 2017, Bibek Debroy & Kishore Desai, Analysis of Simultaneous Elections : The “What”, “Why” and “How”

sums of money, political parties shake hands with ultra richest of the nation and problems like crony capitalism are born.

Financial: Expense of State in 2014 Elections where Election of Lok Sabha were conducted added up to 3870 Crores according to Election Commission of India which is not so huge of an amount considering Indian Government recovers about 18,25,100 crore in financial year 2022-2023¹⁷, but it doesn't mean that we should not look for an alternative where this could be reduced even lower. Additionally, about 200-300 Crore Rs are spent on election of various state legislative assemblies which translates to about 6000 Crore Rs for all states. It does not include Election expense of Panchayat and Municipalities which would also be roughly 6000-9000 Crore for all States. 2015 Bihar Elections alone cost about 300 Crore Rs. If we add all these, it will be about 19,000 Crores across whole India. But the catch is that, Election Commission of India said in 2014 that, were these elections held together, the total expense would be around 4500 Crore Rs. Surely, the officials also say that about 9000 Crores Rs are needed for additional EVMs, VVPAT and their maintenance every 15 year but seeing the above expenses, it would still be lower and offer more comfort to the voters and government simultaneously.¹⁸

According to Former Chief Election Commissioner S. Y Qureshi, "about 10,000 Crore Rs. were spent on Lok Sabha 2019 Elections and 4 State Legislative Assemblies Election." Additionally, if we also add election expense of other states also, this could go around 40,000 to 50,000 Crore Rs. We can clearly see a substantial increase in the expense in elections in 2019 from 2014.

India is still much backward in Education, Health and Defense machinery which could really make good use of this extra money being spent here.

Others: Better Voter turnout is a high probability if the voter only needs to come out of his house for voting simultaneously for choosing his representatives at all three levels of elections. Also, management, security forces, staff, EVM machines etc will only need to be done once in case elections are held simultaneously.

¹⁷ , "Monthly Review of Accounts of Union Government of India Upto the Month of December 2022 for the Financial Year 2022-23", *PIB*, Jan. 31, 2023

¹⁸ , "One Nation, One Election': Why BJP Favours It and Opposition doesn't, *The Times of India*, Sept. 01, 2023

Against:

Feasibility: It will be difficult to hold simultaneous election since there are not enough EVMs and Staff to conduct all elections simultaneously. Also the Constitution doesn't allow this to happen since duration of houses of representatives and state legislative assembly would need to be cut short or extended which is contrary to Article 83 and 172, Constitution of India.

Accountability: Former Chief Election Commissioner pointed out that there is more probability of accountability in the present system of non-simultaneous elections because the pressure to go before the people every year ensures this that the political representatives are more accountable and responsible towards their electors.

Federalism in Danger: The opponents of the idea of Simultaneous Elections have strongly argued that conducting elections at National, State and Local Level simultaneously will significantly dilute the essence of federalism since it would consequently supersede national issues over regional/local issues, national leaders over regional/local leaders. Also, there is risk of India being diverted towards Presidential form of government from our own Parliamentary form of government, in a nutshell it means that instead of clusters of people choosing their representatives at the local level for local issues, the people would be influenced by the union politics and leaders and cast their vote in favor of those who are promoted by the central politics at the time of election campaign i.e. the risk of moving from multiple representatives to one representative at the core. Feelings of nationalism would dilute local and regional issues to the detriment of weaker section who are more concerned with their survival rather than foreign relations.

Synchronization prone to end: Opponents of the idea say that even if we are able to synchronize elections at all level what if some unavoidable circumstance leads to dissolution of the Lok Sabha or the State legislative assembly? For example, let's say that Assembly of a State is dissolved prematurely for necessary and unavoidable reasons within 1 year of its constitution, will the State be put under President's Rule for 4 years till simultaneous elections can be held at the country level, also what if the Lok Sabha needs to be dissolved for similar reasons, how will we make sure the sync doesn't end in these contingencies?

Is there merit in these concerns?

1. Feasibility: The argument is a weak one since Simultaneous Elections are not to be conducted in just 1 day. It is only from the perspective of a single voter that voting would be completed in 1 day but this entire procedure can take from 1 to 2 months in total, which means we can distribute these resources at different times. Also, Constitutional provisions can be amended using Article 368, Constitution of India if there are justifiable reasons and it doesn't destroy the basic features of the Constitution.

2. Accountability: This is a relatively good argument but there are other ways of ensuring accountability, and continuous elections at a huge cost (financially and non-financially) are not the only solution for that. We can incorporate process of 'Recall' if the representative is not accountable to the voters and a certain proportion of the constituency chooses to dismiss that representative from the seat. Thus, ensuring that there is constant fear of losing the power if the chosen representative is not responsible and accountable to the people who chose him.

3. Federalism in Danger: This is the strongest of the three however; this fear is also not based in absolute truth. First of all, India is not foreign to the idea of simultaneous elections and most importantly it started its electoral journey from simultaneous elections which was something well within the vision of makers of the constitution and we can agree that if by conducting simultaneous elections, federalism would have been in danger in their opinion then they must have pointed it out and went for some alternative. But that was not the case.

Also, USA and UK, two very developed and first world nations follow the idea of Simultaneous elections from where our constitutional system is deeply influenced. USA, in particular is the closer to a Federal Government than we are and if there Federalism can survive Simultaneous elections then why not India?

It is true that India has seen some Union Leaders who have had the impact on local politics resulting in mass power capture in states but there are only a few of such leaders such as Jawahar Lal Nehru, Indira Gandhi, J.P. Narayan, Rajeev Gandhi and presently Narendra Modi who are perceived to have poured some sort of spell on people when they are in power. Such leaders however, are a rare event and also not permanently in power and therefore this fear of them overshadowing local and regional leaders are also rare and not permanent.

Even when recent Prime Minister Narendra Modi's huge support was recorded in 2014 and 2019 elections, there are evidences that show that the people of this country are not incompetent and capable of split voting and distinguishing between their representatives in local politics and union politics. Some of these instances are as follows;

a. In 2014, Lok Sabha Elections, Narendra Modi led BJP won by a huge majority and people said that '*Modi ki Laher*' has come where BJP won 7 out of 7 Lok Sabha seats in Delhi and now it would be very difficult for other parties even in local areas to win an election opposite BJP. But in 2015 Delhi local elections, Arvind Kejriwal led AAP secured a huge majority by winning on 67 out of 70 seats whereas BJP only secured 3 out of 70 seats which showed the conscious decision on the part of people of Delhi. Similarly BJP again secured 7 out of 7 Lok Sabha seats from Delhi in 2019 Lok Sabha Elections but in 2020, AAP again came victorious in Delhi local elections where it won 62 out of 70 seats and formed government.¹⁹

b. In State of Rajasthan, Chhattisgarh, Madhya Pradesh, 6 months prior to 2014 Lok Sabha Elections, BJP won in all three. But prior to 2019 Lok Sabha Elections, BJP lost in all the three States but still won the Lok Sabha where it secured 24 out of 25 Lok Sabha seats in Rajasthan, 9 out of 11 in Chhattisgarh, and 28 out of 29 in Madhya Pradesh.²⁰ It also showed the people's capacity of split voting. The impact of Narendra Modi in the center didn't impact the regional election results. A very famous political slogan was spoken in Rajasthan that time which said, '*Vasundhara teri khair nahin, Modi tujhse bair nahin*'.

c. Election of State Legislative Assembly in Andhra Pradesh took place simultaneously with Lok Sabha in 2019 where YSRCP won in both Lok Sabha and Legislative Assembly although in 2014 TDP formed government with the support of BJP.

d. In Orissa too, where election took place simultaneously with Lok Sabha Elections in which Biju Janta Dal won by extreme majority by winning 112 out of 146 seats in State Legislative Assembly in 2019 and 117 out of 147 seats in State Legislative Assembly in 2014. In Lok Sabha 2014, Biju Janta Dal won 20 out of 21 seats and BJP won 1 out of 21 seats. In Lok Sabha 2019, Biju Janta Dal won 12 out of 21 seats, BJP won 8 out of 21 seats and INC won 1 out of 21 seats.²¹ Clearly

¹⁹ Source- Election Results, Election Commission of India

²⁰ Source- Election Results, Election Commission of India

²¹ Source- Election Results, Election Commission of India

there is split voting and people of Orissa showed that they heavily differentiate between Lok Sabha and Local Elections and vote accordingly.

Why the 'Modi Factor' didn't work there? Is it not showing that even if elections take place simultaneously, if the local leaders are worth their salt then people will chose them over national leaders?

These trends show that people may prioritize local party over national party even if elections take place simultaneously and at the same time people may also chose national party over local party even if elections happen at different times. No absolute statement can be given in this regard which weakens the grounds on which these fears are based in.

4. Synchronization prone to end: The solution to this problem is not to put states in president's rule for several years. Rather, the solution to keep the sync intact in these contingencies is to hold fresh election and changing the law to the extent that the newly formed Lok Sabha or State Legislative Assembly, as the case may be, will only be for the remainder of the term of its predecessor.

Since these unavoidable or necessary contingencies are not a norm but a rare event, to adopt such an approach will not be therefore a norm and the election cycle can be kept intact. In the present system, when fresh elections happen, the newly formed Lok Sabha or State Legislative Assembly gets a fresh term of 5 years, the Parliament only needs to amend the Constitution provisions under Article 83, 85, 172, 174 to this extent in order to accommodate these scenarios.

WAY FORWARD

Amendments: In order to make this concept of Simultaneous elections a reality. The Constitution will need to get amended. At least 5 such provisions are Article 83 & 172 for amending the duration of Lok Sabha and State Legislature in order to be able to synchronize their terms together by extending or cutting down the terms of different legislative bodies only once. Article 85 & 174 for controlling the unchecked power of dissolution of Lok Sabha and State Legislative Assemblies by will of President and Governor on the advice of the Union Council of ministers and State Council of ministers. And Article 356 for regulating the provision of President's Rule.

Additionally, such amendments should also incorporate the provision that if in a case of

unavoidable circumstances, fresh elections must happen then the new body will only have a term for the remainder of term of previous body. This model is already seen in Local Panchayat and Municipality elections under Article 243-K and 243-U of the Constitution of India.

Additional incidental amendments need to be done in Representation of People Act, 1951 and the Rules framed there under, viz., Registration of Electors Rules, 1960 and Conduct of Election Rules, 1961.

Also Rules of Procedure and Conduct of Business in Lok Sabha and State Legislative Assemblies need to amend the provision of 'No-Confidence motion' and replace it with 'Constructive Vote of No-Confidence'. It means that unlike present way of doing things where the Lok Sabha members only have to show that they don't have confidence in the government anymore and on passing of such a resolution by a simple majority, the government gets dissolved if there are no alternatives, we will replace it with a system of 'Constructive Vote of No Confidence' inspired from Germany where the Lok Sabha members also needs to present an alternative government which simply gets substituted in the place of existing government if the resolution of no confidence is passed by a simple majority. And in case no such alternative is suggested then status quo is maintained and this leads to a more stable form of government.

Approach: The approach that the Government should take is to try to form a political consensus because in spirit of democracy, even if the government has power, it is more appropriate to include the opposing view holders and move forward together. However, such a gesture must not be taken as a weakness and opposition parties must also try to find common ground and find a way forward.

Steps: Since this procedure is very complicated, it is advisable that the government does it in steps instead of immediately clubbing all the elections together. It can start by clubbing the elections to State Legislative Assemblies, Panchayats and Municipalities of one state simultaneously within a period of time since all these elections are fought on local and regional issues and it would not raise panic among the political parties who have the fear that their issues will be superseded by national issues if Lok Sabha elections are conducted alongside their State and Local elections.

And over some time, after affording reasonable time to reach a political consensus, the Union Government can club Lok Sabha Elections alongside State and Local Elections as well.

CONCLUSION

After going through all the positives and negatives of One Nation One Election, we can conclude that it is overall a net positive and the challenges can be overcome using Constitutional Amendments. Since we started our political and democratic journey with simultaneous elections, it is like returning back to home.

The author has addressed the concerns of opposite view holders and has found a way forward by addressing those concerns. The Election Commission of India itself said that it is ready to implement this way of election if necessary Constitutional and Statutory amendments are made in Indian legal system.

India suffers from damage to its social fabric every time elections come around the corner; it spends huge sums of money which could be used in better things such as Health, Education, and Defense etc. Developmental policies are sacrificed on the altar of so many elections leading to country always being in Election mode. Corruption and Crony capitalism breeds in this environment where political parties are always in need of funds and to meet these expenses these phenomenon become more frequent under the table. Millions of staff and security forces are always made to go on election duties multiple times and not able perform the primary function that they were assigned for in the first place.

We have also discussed multiple instances that show that federalism is also not in danger and election history in states like Delhi, Rajasthan, Orissa, Andhra Pradesh, Chhattisgarh, Madhya Pradesh etc is a living testament to it where elections around the same time of Lok Sabha were held and people clearly chose to do split voting and not gave all their votes to the candidates belonging to the same political parties, so this fear is not really engraved in stone and local parties need to do trust in their hard work, perform better than other parties and favorable consequences shall knock on their doorsteps.

By conducting simultaneous elections, a voter who now has to vote three times in three different elections would only need to vote twice and at best only once every five years which would increase voter turnout in elections.