



Constitutional aspects on issues and challenges in implementing one nation one election

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Abstract

The principal advantage of 'One Nation, One Election' is in the decrease in election expenses, as holding separate elections calls for substantial financial outlays. Additionally, it would lessen the workload for the security and administrative personnel, who would not have to do election-related tasks repeatedly. The Law Commission claims that as it will be easier for voters to cast multiple ballots at once, simultaneous elections will boost voter turnout. Additionally, the administration can concentrate more on governance rather than elections, which frequently impede the implementation of policies. However, in a nation like India, implementing one nation, one election would be a challenging task because it would seriously jeopardize not just the Constitution as a whole but also a number of political and constitutional concepts like democracy and federalism. The premise of "One nation, One election" is frequently criticised for raising fears that national parties and their leaders will eclipse regional parties and their leaders. The primary obstacle to implementing one nation, one election in India is the necessary Constitutional amendment. According to the Law Commission's recommendations, implementing one nation, one election in India will require a minimum of five constitutional amendments.

Keywords: Constitution, law commission, one nation one election

Introduction

Elections are a mainstay of democracies around the world. It is an apparatus for participatory democracy and effective governance. In India electoral process is a complex business as the process of election in India is perennial it goes on almost every year. According to a document presented by NITI Aayog noted that there has not been a single year without an election either to state assembly or Lok Sabha or both in over 30 years. The electoral process leads to massive expenditure and use of manpower, furthermore the imposition of model code of conduct results in suspension of all welfare and developmental schemes of the government. Basically one can say that the normal process of government has come to a standstill. To tackle this situation the current government is considering pushing forward the proposal of 'ONE NATION ONE ELECTION' as a radical reform in the electoral process of world's largest democracy.

The central notion behind the idea of one nation one election is to synchronize the elections of Lok Sabha and all the state legislative assemblies, which effectively means holding these elections simultaneously. Basically, it stands for streamlining the elections schedule. In the current scenario India is constantly under a perpetual electoral cycle with elections happening at various levels. This results in staggering expenditure, disruption in governance and policy making. One nation one election seeks to address these concerns by streamlining the electoral process.

In the India the first general elections, in 1951–1952, coincide with every Vidhan Sabha poll, a practice that was carried out for the next three Lok Sabha elections, in 1957, 1962, and 1967. A number of states saw hung assemblies in 1968–1969, which halted the trend. Under the Smt Indira Gandhi government, the Lok Sabha was prematurely dissolved in 1970, and new elections were called for 1971. Article 352 extended the fifth Lok Sabha's tenure till 1977. According to the 1999 Law Commission's 107th report,

which also stated that separate elections for a legislative assembly should be "an exception not the rule." In its 2018 draft, the 22nd Law Commission suggested "restoring" simultaneous polling. The plan was supported in 2015 by the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, which also provided a number of recommendations for resolving potential hot spots. Among those who reportedly supported it were the Indian Union Muslim League, Asom Gana Parishad, Shiromani Akali Dal, and the AIADMK. It was rejected as undemocratic and unworkable by the All India Trinamool Congress, the Indian National Congress, the Nationalist Congress Party, and the Communist Party of India. A two-phase transition to simultaneous polling beginning with the 2019 Lok Sabha elections was proposed in a NITI Aayog report in 2017. Although there was no such thing during the previous general elections, there has been a lot of synchronisation on a uniform electoral roll since then. The concept of "One Nation, One Election" requires national homogeneity even in the case if India had a flawless democracy. India is a diversified country, with several areas dealing with various problems, which has an impact on state politics and election schedules. Therefore, a one-size-fits-all strategy might result in serious political backlash and is at odds with the diversity of the country.

Constitutional Challenges for Implementation of the One-Nation, One-Election System

The entire debate began in May 1999 following the release of the 170th report by the Indian Law Commission, which was chaired by Justice BP Jeevan Reddy. The report suggests that the annual cycle of elections, ought to be discontinued. Elections to the Lok Sabha and all Legislative Assemblies have to take place at the same time. On December 17, 2015, the Parliament Standing Committee headed by Dr. EM Sudarsana Natchiappan on Personnel, Public Grievances, Law, and Justice published its report on

the 'Feasibility of Holding Simultaneous Elections to the House of People (Look Sabah) and State Legislative Assemblies'. The Committee observed that holding simultaneous elections would lessen the burden of enormous costs associated with holding separate elections, the impact on the delivery of essential services, and the policy paralysis brought on by the imposition of the Model Code of Conduct during elections.

The Indian Constitution's Article 83(2) states that the house of people would be in session for a period of five years. A similar clause in Article 172(1) stipulates that the state legislature's term shall begin on the date of its first meeting and continue for five years. Therefore, it is evident from these two clauses that in order to carry out the one nation, one election policy, the term of state legislators must be reduced or increased. There are no provisions in the Indian constitution currently in place to accomplish the same. Although the president and the corresponding governors have the authority to dissolve the houses, constitutional reforms are still required in order to carry out the one nation, one election policy. Future constitutional amendments were also acknowledged in the draft report of the Indian Law Commission, which was presided over by Justice BS Chauhan. The draft study, which is available to the public, recommended amending both the Representative of the People Act 1951 and the Constitution.

Article 356 of the Indian Constitution presents another difficulty since it will then be a rule rather than an exception. According to the Indian Constitution, a president can only be in office for a maximum of six months, although in extraordinary cases, this can be extended. However, following the introduction of one nation, one election, a president's term as governor of any state ends on the day of the subsequent election. In SR Bombay case it was observed by the Supreme Court of India that Article 356 of the Indian Constitution deals with the imposition of presidential rule on a state. Accordingly, it fulfills the function of removing the Chief Minister and other ministers, and the Governor of that state immediately gains control over the administration. The nation's president appoints the governor, who, like this administration, reports directly to the national government. As a result, the idea of the federal government is disrupted by presidential rule since it is based on the idea of the union-state relationship, in which both parties manage administration according to certain criteria. Since the elected authority is suspended and taken out of office, this is against democratic ideology as well.

Logistical and Financial issues

Massive logistical strain: The Election Commission of India (ECI) would be under tremendous strain due to the enormity of holding elections for the Lok Sabha and all states at the same time. This entails the mobilization of a sizable workforce, security forces, and assets.

Requirement for extensive resources: A significant number of new Electronic Voting Machines (EVMs), Voter-Verified Paper Audit Trail (VVPAT) machines, and the infrastructure to store and maintain them would be needed to conduct polls for almost one billion voters at once.

Misleading cost-efficiency: Some analyses indicate that frequent EVM replacements (due to limited lifespans) and the logistical demands could result in a significant increase

in overall public expenditure, despite proponents' claims of cost savings.

Democratic and Constitutional challenges

Threat to federalism: According to critics, requiring states to align their electoral schedules with the center through the imposition of single election cycle compromises federalism. State autonomy may be weakened, and national power may be concentrated as a result.

Submerging regional issues: Simultaneous elections may result in national issues taking precedence over local and regional issues in the media and among voters. The electoral chances of regional parties that concentrate on issues unique to a given state may be impacted by this.

Disadvantage for regional parties: Smaller, regional parties that find it difficult to compete on a pan-Indian level may unfairly benefit from the resources and wider influence of national parties.

Reduced accountability: Politicians are held accountable to the people by having to regularly appear before the electorate due to frequent elections. This accountability may be diminished by a fixed five-year term, since leaders can avoid having to answer to voters for a long time.

Weakening parliamentary democracy: To keep the synchronized cycle going, some constitutional amendments, like a "constructive vote of no confidence," might be necessary. Opponents worry that this might compromise the core tenets of parliamentary democracy.

Conclusion

Among the important changes on the current central government's agenda is "One nation, one election." In reality, this was one of the improvements the government suggested, as former Indian President Ram Nath Kovind noted in his January 2018 speech to Parliament. According to him, the regular elections that negatively affect the nation's economy and progress are a source of concern for the populace in many parts of the nation. The Prime Minister has stated unequivocally that a single national election is desirable. However, implementing new modifications in any system is a difficult task that calls for a lot of work and successfully overcoming obstacles. Particularly with regard to electoral reforms, things got trickier and so it is noticeable that government has a way forward to go for the implementation one nation one election policy. First challenge is building consensus on the necessity and viability of simultaneous elections between all political parties and states. Various stakeholders could engage in discussion, consultation, and deliberation to accomplish this. To facilitate simultaneous elections, the constitution of India, the Representation of the People Act of 1951 and the Rules of Procedure of the Lok Sabha, and the State Assemblies have all been amended. A two-thirds majority in both chambers of Parliament and ratification by at least half of the states would be necessary for this. Creating a legal framework to address potential outcomes of simultaneous elections, such as no-confidence motions, early assembly dissolution, hung parliaments, etc is also a Herculean task for the government. The government should take its time implementing One nation one Election; instead, it should carry out further research, assess the data, and get

input on the concept's application from local parties, opposition party leaders, and voters. Therefore, it is up to Government of India to determine whether or not "One Nation, One Election" should be adopted.

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