

ONE NATION- ONE ELECTION THE FALLACY OF SYNCHRONIZATION

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Abstract:

One Nation-One Election (ONOE) is a proposed electoral reform in India aimed at synchronizing Lok Sabha and State Assembly elections to reduce the frequency of polls and streamline the electoral process. Historically, this synchronization was the norm until 1967, when disruptions occurred due to various factors such as defections, dismissals, and government dissolutions. The primary objective of ONOE is to save costs, ensure policy continuity, and reduce disruptions to development work caused by frequent elections. However, implementing ONOE raises challenges related to federalism, as it conflicts with India's status as a 'Union of States.' Additionally, the concept faces opposition from regional parties, who fear losing their focus on local issues in a national election. To implement ONOE, several constitutional amendments are needed, including changes to Articles 83(2), 85, 172, 174, and 356 of the Constitution. These articles govern the duration of the Lok Sabha and State Assemblies, the power of the President and Governor to dissolve the Lok Sabha and Legislative Assemblies, and the imposition of President's Rule in states, respectively. The paper also explores alternatives to ONOE, such as inviting the second or third leading person in the house to form a government if the government falls before completing its term, or switching to a Presidential form of Government. Overall, the implementation of ONOE is a complex issue that requires careful consideration and debate. The decision to adopt ONOE should be made with a consensus among political parties and thorough public discourse to ensure its compatibility with India's democratic framework.

Key Words: One Nation-One Election, electoral reform, India, synchronization, federalism

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Introduction:

In the early years following India's independence, the country conducted its general elections simultaneously with the state legislative assembly elections. This practice, initiated after independence, continued until 1967. However, disruptions occurred due to the premature dissolution of some state assemblies in 1968 and 1969, leading to the discontinuation of the system of simultaneous elections¹. Since 2014, Narendra Modi, then Chief Minister of Gujarat and later Prime Minister, has advocated for the reinstatement of simultaneous elections. He argued that this approach would help in reducing the wastage of public funds and ensuring uninterrupted development work, which often gets stalled during the imposition of the model code of conduct². In August 2018, the Law Commission of India presented a draft report on simultaneous elections, proposing the necessary amendments to the constitution, the Representation of the People Act 1951, and the Rules of Procedure

of Lok Sabha and state assemblies to facilitate such simultaneous elections. The commission recommended that for this proposal to be implemented, it should receive ratification from at least 50% of the States. Among the benefits cited for holding simultaneous elections were the savings in public expenditure, reduced burden on administrative machinery and security forces, timely implementation of government policies, and a shift in administrative focus from election campaigning to developmental activities³.

High Level -Committee:

On 2 September 2023, the Government of India constituted a high-level committee to examine the issue of simultaneous elections, citing the challenges posed by the current system where elections are held at different times throughout the year⁴. This move comes in response to the historical context where elections to the House of the People and State Legislative Assemblies were mostly held simultaneously from 1951-52 to 1967, after which the cycle was disrupted.

The notification also referred to the Law Commission of India's 170th Report, which emphasized the need to end the cycle of frequent elections and return to a system where elections are held once every five years for the Lok Sabha and all Legislative Assemblies. It also mentioned the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice's 79th Report, which recommended practical methods for holding simultaneous elections, including an alternative method proposed in two phases.

In this context, the notification highlighted the importance of the Supreme Court's decision in *S.R. Bommai vs Union of India*⁵, which substantially reduced the use of Article 356, emphasizing the need for elections to be an exception and not the rule for holding a separate election to a Legislative Assembly. The notification stated that in the national interest, it is desirable to have simultaneous elections in the country.

The committee, chaired by former President of India Ram Nath Kovind, includes key members such as Union Home Minister Amit Shah, Congress leader Adhir Ranjan Chowdhury, former Leader of Opposition Ghulam Nabi Azad, Chairman of the 15th Finance Commission NK Singh, Lok Sabha's Former Secretary General Dr. Subhash C. Kashyap, Senior Advocate Harish Salve, and Former Chief Vigilance Commissioner Sanjay Kothari. Their mandate is to examine the issue of simultaneous elections and make recommendations for its implementation in the country. The Committee was tasked with examining and recommending ways to hold simultaneous elections for the Lok Sabha, Legislative Assemblies of States, Municipalities, and Panchayats. Consequently, the burden of proof rested on those opposing simultaneous elections. However, the Committee's mandate did not allow it to consider opposing views.

In essence, the recommendations propose a fixed "appointed date" for the Lok Sabha term, set at five years. State legislature elections would be synchronized with this date. If the Lok Sabha is dissolved due to a loss of confidence or if the ruling party seeks a fresh mandate, the subsequent election would be for the remaining term only. The same principle applies to state legislatures.

Contrary to the purported aim of reducing election frequency, the Committee's recommendations seem to contradict this goal. While the Westminster model is retained, requiring a fresh election if the government loses confidence, the mandate for mid-term polls is limited to the unexpired term of the previous assembly. This

could lead to inefficiency and wastage, contrary to the intended purpose of the "one-nation one-election" idea. The Committee recommends amendments to four Articles of the Constitution (Articles 83, 172, 325, and 327) and the introduction of two new Articles, namely Article 82A (establishing the "appointed date" for all legislatures to meet every five years) and Article 324A (empowering Parliament to legislate for simultaneous elections for Panchayati Raj institutions and municipalities). Only the amendment introducing Article 324A would require ratification by at least half of the state legislatures, as "local government" falls under the State List.

However, a significant constitutional concern arises regarding federalism. Federalism is a fundamental feature of the Constitution, and restricting state legislature terms to align with Parliament's term directly infringes on this principle. It also undermines the parliamentary form of government chosen by the founders over the presidential system. Thus, while the procedural requirement of Article 368(2) may be met, the "basic structure" of federalism will also be at stake. The Supreme Court may once again have to assess the basic structure doctrine in the context of the "one-nation one-election" idea.

The Fallacy of Synchronization:

Imagine a scenario where simultaneous elections have been successfully conducted across the country. However, due to unforeseen circumstances, a state assembly is dissolved before its term ends. What happens then? Will President's rule be imposed in that state until the next simultaneous elections, or will fresh assembly elections be conducted midway?

If elections are indeed conducted midway, how long will the new state legislature's tenure be? Will it last for a full five years or only until the date of the next simultaneous elections? Similarly, if the Lok Sabha is dissolved midway after simultaneous elections, does that mean all legislative assemblies and lawfully elected state governments will also be dissolved?

In such a scenario, would President's rule be imposed in the country until a new government is elected after the next simultaneous elections? These questions highlight the complexities and challenges that need to be addressed before the implementation of the one nation, one election (ONOE) concept.

The idea of holding national, state, and local elections together is not new. Until 1967, elections to state assemblies and the Lok Sabha were held simultaneously. However, the premature dissolution of some legislative assemblies in 1968 and 1969, followed by the dissolution of the Lok Sabha in 1970, disrupted the synchronicity of electoral schedules.

If holding simultaneous elections was not sustainable the first time around, how can anyone claim that doing so will be sustainable now? These historical challenges underscore the need for a comprehensive and detailed plan to address the potential issues and ensure the smooth implementation of simultaneous elections in the future.

Conclusion:

In conclusion, the concept of One Nation, One Election (ONOE) presents significant constitutional and logistical challenges that must be carefully addressed. The recent recommendations by the High-Level Committee (HLC) suggest a phased approach starting from 2029, with amendments to Articles 83 and 172 of the Constitution to

enable simultaneous elections. However, this raises concerns about the impairment of constitutional rights and the fundamental principles of democracy, as highlighted by the Tamil Nadu Legislative Assembly's opposition. The issue of federalism is central to this debate, as simultaneous elections may blur the distinction between national and local issues, potentially neglecting local priorities. Additionally, the recent controversies surrounding the Election Commission of India (ECI) raise questions about the body's autonomy and its ability to conduct simultaneous elections efficiently.

The Supreme Court's role in ensuring free and fair elections, as established in landmark cases like *Kesavananda Bharati vs State of Kerala*⁶ and *Indira Gandhi vs Raj Narain*⁷, is crucial. The judiciary must closely monitor the implementation of ONOE to prevent any adverse outcomes and uphold the basic structure of the Constitution.

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