



One Nation- One Election and Federalism in India

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ABSTRACT

The present Government pointed out many advantages of implementing One Nation One Election such as it will lead to better governance in the country as due to the elections, the government is always in election mode and it cause disturbance in many aspects. By implementing one nation- one election, the government will be able to focus on policy making and implementing the same when Prime Minister Narendra Modi talks about One Nation One Election, he means that all the elections of Centre and State should be conducted at same time. It shouldn't be misunderstood that elections of all the states of India and of the centre will end in a single day, rather it means that when the elections are conducted in one area, all the elections of that particular area should be conducted at same time. But the major concern is that the implementation of One-Nation One-Election will disturb our scheme of Federalism and the National issues will get all the attention by neglecting the local issues. By implementing this we lead from Parliamentary system to Presidential system of governance, as if, the election of House of People, Vidhana Sabha and Local bodies are to be conducted simultaneously, the state election commission will lose its power to conduct elections of Local Bodies and this leads to the stronger central government and state will lose its autonomy in conducting elections. One nation One election will essentially lead to power in one hand and our Constitutional Scheme of Federalism will get disturbed.

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INTRODUCTION

After the Constitution came into effect on 26th January 1950, simultaneous Elections for both House of People and State Assemblies have been held in India from the very first general elections in 1952 till 1965 for three consecutive elections. It was interrupted for the first time when the Kerela State Assembly was prematurely dissolved, the then Chief Minister E.M.S. Namboodripad was removed from office, and an election was held in the middle of the session. The length of both the House of People and the State Assemblies has fluctuated significantly since then due to various political and non-political reasons and this resulted in India's elections

running asynchronously. The most debated proposal of ONOE' idea aimed at synchronizing this cycle of Centre and the State elections.

The Idea of One Nation One Election is not novel; it has been discussed since the 1970s, but because of Prime Minister Narendra Modi's campaign strategy, it has received new attention recently. While there are steps being taken in this regard, the ball is still rolling and may or may not reach its destination.

In September 2023, Centre constituted a committee headed by former President, Ram Nath Kovind to explore the possibilities of One Nation One Election. There are challenges to its viability but the fact is that the discussions has begun on simultaneous elections in India.

THE CURRENT ELECTORAL SYSTEM OF INDIA

Before jumping to the proposed scheme, we need to understand how elections are held in current political system of India.

One of the largest democracies in the world, India has a procedural system that relies on elections to carry out democratic processes. The House of People (Lower House), Rajya Sabha (Upper House), State Legislative Assemblies, and Local governing bodies are all subject to election throughout the nation. The Constitution of India, which calls for a federal framework with a distinct division of powers between the Central and State governments, strengthens the foundation for the country's electoral system by empowering Election Commission of India and State Election Commissions to conduct free and Fair elections. The ECI has grown over the years into a well-respected, independent agency that supports the electoral process's credibility and integrity.

The Elections in India Majorly happens into three broad categories:



I. Centre: President, Vice President, House of People and Rajya Sabha

II. State: State Legislative Assemblies and State Legislative Council.

III. Local Bodies: Panchayats and Municipalities.

Elections for the House of People, State Legislative Assemblies, and Panchayats or Municipalities are among those that utilize direct voting. Additionally, there are indirect elections for the positions of President, Vice President, and State Legislative Council. For a clearer picture it can be said that while voting for the House of People, State Legislative Assemblies and Panchayats or Municipalities, we choose our Member of Parliament, Member of Legislative Assemblies and Member of State Legislative Council respectively. This is how Indian Democracy works as through election people choose those who are going to represent them at different levels of government.

INDIA'S FEDERAL PRINCIPLE

India has adopted the principle of federalism differently; it is not same as what is practised in United States of America. In India we have strong unitary features with all the residuary powers in the hands of the central government.ⁱ A federal government structure is one in which the Centre and the States have separate spheres of authority. The Indian Constitution adopted the idea of federalism and the states are given autonomy in areas which exclusively falls under the state list. This structure of federalism is said to be one of the features of basic structure of the constitution.ⁱⁱ In order to be called federal, it is not important that a Constitution should adopt the federal principle completely. It is enough if the federal principle is the predominant principle in the Constitution.ⁱⁱⁱ The mere presence of unitary features in a constitution, which may make a Constitution quasi- federal in law, does not prevent a constitution from being predominantly federal in practice.

THE PROPOSED SCHEME OF SIMULTANEOUS ELECTIONS

The Simultaneous elections proposed to synchronize the timing of elections across India. This plan calls for organizing the calendar so that the House of People, State Assemblies, and Local- bodies elections can all take place at the same time or in a predetermined cycle instead of separate and continuous elections.

The proponents of this idea argue that this electoral reform will cut the massive expenditure in elections which leads to significant cost saving, improve governance efficiency as due to frequent model code of conduct government remains in election mode always and this will adversely impact the governance of the country.



By implementing simultaneous elections, the government will focus on long-term policy decisions instead of concentrating on immediate electoral concerns.

Other than that, supporters of this idea also says that it will lead to better deployment of security forces as for conducting elections fairly, security personnel must be stationed throughout the voting process, not just on election day and It will prevent circulation of black money as there is no limit on political parties to spend on elections and it is often considered as a significant source of the release of illicit funds, but by holding simultaneous elections, this may be largely avoided. It is also popular opinion among them that there are high chances of increase in the voters' turnout as they have to cast their vote once in five years.

In a nutshell, holding simultaneous elections can improve governance by minimizing disruptions, letting the administration concentrate on long-term goals, and eliminating policy paralysis in the nation.

ELECTION COMMISSION OF INDIA'S VIEW POINT ON SIMULTANEOUS ELECTIONS

Rajiv Kumar, the Indian Election Commissioner, stated that if the "One Nation, One Election" policy is put into practice, the Election Commission of India is prepared to act in accordance with the law.^{iv}

The EC also identified a number of challenges that could arise when holding simultaneous elections. Its primary concern was the fact that holding elections simultaneously would necessitate the extensive investment in Electronic Voting Machines and Voter Verifiable Paper Audit Trail (VVPAT) equipment. The Commission estimates that purchasing EVMs and VVPATs will require a total of Rs 9284.15 crore in order to conduct simultaneous elections. Every 15 years, the machines would also need to be replaced, which would cost money. Furthermore, the standing committee noted that keeping these computers in warehouse would raise the cost of warehousing.^v

According to the Election Commission, this mission can be accomplished if the Indian Constitution and other related laws are amended appropriately and the necessary logistical support is made available in order to conduct simultaneous elections.

IMPLEMENTING SIMULTANEOUS ELECTIONS & ITS PROSPECTIVE EFFECTS

This proposed scheme of One Nation One Election may look very attractive at its first view, but it is more important to look into its prospective replications.



Impact on State's Autonomy in conducting elections

One of the primary arguments against simultaneous elections is that it will limit the state government's authority in choosing the time of the polls in accordance with local needs. Instead of that, the state authorities will have to follow a national election calendar. The advantage of optimizing election timing in accordance with political calculations and electoral agenda is lost for the existing state government. Election schedules cannot be determined by state-specific problems like droughts, floods, or local economic conditions.

In short, states' flexibility and autonomy in determining election schedule based on regional context will be reduced by synchronizing the House of People and State Legislative Assemblies electoral cycles.

Issues of National importance will dominate the local and regional concerns

There are high chances that the issues of national importance will be prioritise at the cost of regional and local issues. At present, the outcomes of state assembly elections differ in comparison to the results of the national elections, which occurred months apart. Regional factors including state governance, water disputes, agriculture, and unemployment concerns at the state level influence state elections.

Following the advent of simultaneous elections, voters' preferences tend to be dominated by national issues. There is a possibility that state issues will be forgotten or eclipsed by national goals and central leadership when voters cast ballot for both the Central and State administrations at the same time. State-specific political parties contend that holding simultaneous elections will damage India's federal democracy since it suppresses regional aspirations.

Minimize Political Accountability

According to former Chief Election Commissioner SY Quraishi, holding simultaneous elections for the House of People, State Assemblies, and local councils could weaken democratic accountability.^{vi}

It is believed that having politicians to appear in front of the public more frequently than once every five years increases their accountability and keeps them vigilant. The main disadvantage of simultaneous elections is that it makes it less likely for incumbent administrations to be overturned both at the Center and State levels. The urgency for governments to perform and reform is diminished by lengthy five-year terms without accountability pressures.

Chances of Same Party's Government



Election data from 1999 to 2014 revealed that, on average, when elections are held simultaneously for the State and the Center, people tend to vote for National Parties and Indian voters have a 77 percent likelihood of casting their votes for the same party.

Arunachal Pradesh, Odisha, and Sikkim all held their general and state elections at the same time in 2019. In both elections, the same parties gained the majority of seats in each of these States. Almost all States that held State and General elections simultaneously in 2004, 2009, and 2014 also experienced this. The one exception occurred in 2014 in Arunachal Pradesh. Congress and the BJP both won one House of People seat in the State, while the Indian National Congress won 42 of the 60 seats in the Assembly.^{7 vii} So there will be high chances of same government (Double Engine) at both Centre and State level.

Fosters a tendency for Centralisation

Evidence from India and other countries suggests that simultaneous elections could correlate with state and national election results, allowing national parties to gain more ground over the long run. In other words, the goal of centralized politics can be achieved by simultaneous elections. The advances in representation that political decentralization over the past 20 years has made run the risk of being undermined by this, which is the antithesis of "cooperative federalism."^{viii}

WHAT AMENDMENTS MUST BE MADE FOR ITS IMPLEMENTATION

For the implementation of 'One Nation One Election', several amendments need to be made to the Constitution of India, Representation of People's Act, 1950, 1951 and Rules of procedure of House of People and State Assemblies.

Related to the terms of Houses

Article 83 of the Constitution of India talks about the Duration of Houses of Parliament, and says that, the House of People shall be in session for a period of five years, unless earlier dissolved.^{ix} Similar provisions in Article 172 (1) provide State Legislative Assembly members a five-year term beginning on the date of their first meeting. The proviso to Article 83 (2) of the Constitution further stipulates that when a proclamation of emergency is in effect, the term of the House may be extended by Parliament by law for a period not to exceed one year at a time, but in no event for more than six months after the Proclamation has ceased to be in effect. The proviso to Article 172 (1) of the Constitution contains a similar provision for the State Legislative Assembly.



According to the aforesaid provisions, the House's term can only be prolonged for a further five years in an emergency. However, it is possible to dissolve the House early before its term has ended.

Related to the Dissolution of House of People and State Assemblies

The President of India has the authority to dissolve the House of People under Article 85 (2)(b) of the Indian Constitution. Article 174 (2)(b) contains a similar provision for the dissolution of State Legislative Assemblies by the Governor of State.

Another pertinent article is 356. If a State is placed under President's Rule pursuant to Article 356 of the Constitution, the President may dissolve the Legislative Assembly of that State early. The Election Commission has the authority to hold elections six months before the deadline under Sections 14 and 15 of the Representation of the People's Act of 1951.

Elections must be coordinated in order to establish One Nation One Election because the terms of the various state assemblies vary. Table 1 lists the terms of the current duration for each Indian State Assembly. For the purpose of synchronization, the current government must either be overthrown sooner or have its term lengthened. Only by making significant modifications to the current legal system can such mass synchronization be accomplished.

Assemblies	Tenure
Mizoram	2018 to 2023
Andra Pradesh, Arunachal Pradesh, Chhattisgarh, Haryana, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Sikkim, Telangana	2019 to 2024
Bihar, Jharkhand, Delhi	2020 to 2025
Asam, Kerela, Puducherry, Tamil- Nadu, West- Bengal	2021 to 2026
Goa, Gujarat, Punjab, Uttar- Pradesh	2022 to 2027
Himanchal Pradesh, Karnataka, Meghalaya, Nagaland, Tripura	2023 to 2028
UT of Jammu and Kashmir	---

Table- 1^x



It will be extremely difficult to put this plan into action since, according to Article 368, revisions cannot be made without a majority vote and, more significantly, without disrupting the Constitution's basic structure.

THE IMPACT ON INDIAN FEDERALISM

Founding fathers of the Indian Constitution describes India as Union of States and adopted the federal principle in which states does not have any right to secede.^{xi} This concept of federalism named as Quasi-federal system by Prof. K.C. Wheare. A Constitution need not fully adopt the federal premise in order to be said as federal. It is sufficient if the federal principle predominates in the Constitution. A distribution of powers and duties among the federal government and the state governments is the essence of federalism. A nation's constitution can be unitary, in which the government's powers are centralized, or federal, in which the powers of the government are divided between the Central and the State governments. And Indian constitution adopted the federal principle in such a way that powers are divided between Centre and the States. But it has some very strong unitary features embodied in it, such as, all the Residuary powers are with the Central Government under Article 248, and so on. In the Indian Constitution, where the relationship between the Center and the states is extensively discussed, the notion of federalism is dealt with in detail. India's quasi-federal system of federalism grants states sovereignty in areas that exclusively covered by the State list. This structure of federalism is said to be one of the features of Basic Structure of Constitution.^{xii12} This was also reiterated in the case of S.R. Bommai v. Union of India, 1994.

The constitutional principles of democracy and federalism will be utterly destroyed if this "One Nation, One Election" system is implemented. Because for implementing the same government has to either curtail or extent the duration of State Assemblies to synchronize it with the election of House of People. And there must be dissolution of State Assemblies for the imposition of Presidential Rule.

The synchronization will be affected if midterm elections are considered to be necessary after the implementation of ONOE. To solve this issue, they have come up with two options:

- If a 'No Confidence motion' is to be passed in the assembly, then it must be followed by a confidence motion in favour of another party
- Implementation of President's Rule^{xiii}.

Which means that if Majority party loses support half way through, then the minority party would come



to power. Or if the President's rule to be implemented all the powers will automatically transfers to the Central government.

Both these practices are serious threat to Federalism and Democracy, as people are not ruled by their elected representatives in both circumstances. Minority government rule or President's rule both are forceful impositions on the people against their choices. And it affects the very scheme of Indian Federalism. It is an issue to be cautious about since the judiciary will invalidate any modification that contradicts the constitution's fundamental principles.

CONCLUSION

India is a country of diversity; you cannot paint it with 'ONE' colour. The "One Nation One Election" approach may be greatly favoured if cutting costs is the ultimate objective. But we have to be more vigilant towards what cost we have to pay to reduce those election expenditures. Harming the Constitution's Basic Structure cannot be the only way to reduce the expenses on elections. Cost cannot be the touchstone to determine the efficacy of ONOE. We must know that 'Democracy is Expensive and Autocracy is cheap'. There can be end number of other ways to control expenditures like less spending on rallies etc.

Another justification put up for moving to a synchronized polling system is that democratic governance is impeded by Election Commission of India's Model Code of Conduct (MCC) just before the Elections. The underlying contention is that the government hesitates to make choices that could hurt the chances of the dominant party in a state, even months before elections. The only aim of MCC is to prevent parties from buying votes by announcing bunch of Projects or freebies. So, the real problem is not MCC.

The only argument in favour of simultaneous elections is that, if there are synchronized polls, the police will only be deployed for poll duty once every five years. This will, in fact, lessen the number of times the police are called away from their regular responsibilities. It is unnecessary to inquire why it has become necessary to mobilize security forces in such a massive manner before elections.

Before taking such a huge step, it must be assured that these actions adhere to the principles outlined in our constitution. In a democracy like India, a number of concerns need to be addressed in order to preserve a positive Center State relationship and maintain the Co-operative Federalism.

- ⁱ India. (1950). The Constitution of India. Art [248]
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- ^{ix} India. (1950). The Constitution of India. art Const. art [83(2)]
- ^x Election Commission of India, <https://eci.gov.in/elections/term-of-houses/> (Last accessed- Oct. 10, 2023)



^{xi} India. (1950). The Constitution of India. Art [1] “India, that is Bharat, shall be a Union of States.”

^{xii} Kesavananda Bharati v. State of Kerala, 4. AIR 1461, Supreme Court of India, 1973,

<https://indiankanoon.org/doc/257876/>

^{xiii} Debroy, B., & Desai, K.,(2023, October, 10), A discussion paper on Analysis of Simultaneous elections: the “what”, “why”, and “how”, Niti Aayog

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