



One nation one election: Challenges and prospects

Sanjay K Chadha

Advocate, B.Com, M.Com, LL.B Supreme Court and Delhi High Court, New Delhi, India

Abstract

The frequent elections in India has led to the policy paralysis. There has been constant demand from the intellectuals and statesmen to go for a system wherein, governments in states and centre should be allowed to function with decisiveness. The article seeks to analyse the prospects and challenges of One Nation One Election with which our constitutional system is grappling. The Mandate of the constituent Assembly was that the Parliamentary and assembly elections should be held together to save time and money. However, they could not foresee that Article 356 will be misused to the extent where it would become difficult to hold the simultaneous elections. Given the largest democracy, India cannot afford frequent elections. There is a strong need for constitutional reforms. This article could be a resource for such view point.

Keywords: one-nation one-elections, law commission, Lok Sabha, legislative assembly and article 356

Introduction

One Nation One Election is not a new concept in Indian political system as to understand this concept we need to understand the brief overview at its background to understand the contribution as well as accomplishment in our civic scenario. Subsequently as an independent nation in 1951-52, India instituted its opening poll period to Lok Sabha and State Assemblies concurrently; it endured orderly down to 1967. Nonetheless thereafter on undeviating of disintegration of a few Legislative Assemblies in 1968 and 1969, a dilemma was maneuvered to an arrangement of single election; considerably, the House of people also disintegrated in December 1970^[1]. Along these lines at any point afterward voting to the State and the Parliament^[2] assemblages have saved separately as the concept of one nation election got interlude.

After a short interruption, sporadically in the year 1983 the opinion of backtracking to one election canvas was bolstered in the yearbook report of the Indian Election Commission. Thereafter, by 1999, the report also pointed out for reviving one election system as it has consequently edged to have been plentiful consideration, analysis and symposium upon such theme in the previous. In recent times “*Simultaneous elections*” essentially as a structure was proposed latest by 2014^[3] electoral processing system and even in the public declaration of one of the ruling political party of Indian political Party. Repeatedly, in the year 2016 also the Prime Minister recommended the suggestion of reviving the structure for one nation election scheme and revives it to the Indian political structure and system. In an identical disposition the policy commission authority, Niti Aayog, groomed a functioning report on this issue the following January 2017. In April 2018, another working

paper of the Indian Legal Commission stated that at least “five constitutional recommendations” are needed to restart this process. To date, however, a final decision to hold a single national election has yet to be made^[4].

History of “One Nation One Election” in India

- The Concept of One Nation One Election is not new in India because in the first proposed meeting of Lok Sabha and all the State Legislative Assemblies held in 1951-52. The rehearse mechanism of polling system maintained beyond three subsequent common elections duly conducted in the receptivity of year from 1957 to 1967. Nevertheless, in respect of the impulsive disintegration and break down of a few senatorial assemblages prior to 1970s the series of one election got distorted. Post 1970, fourth Lok Sabha itself was melted down and rebuilt in the year 1971^[5]. Accordingly usually afterward polling to the Centre and State common referendum accepted to be exist controlled independently^[6]. So the First, second and Third Lok Sabha wrote five complete goals. The announcement of the results in 1977 to the poll of house of peoples was covered by Article 352. Subsequent to the results of Sixth, seventh, ninth, eleventh, twelfth and thirteenth polls of House of People were promptly annihilated. Assorted State federations have taken similar challenges for some time. As a result of the fact that everyone will be working and in expansion, the rhythm in regards to one nation elections has been thoroughly discharged. Schedule and agenda beneath demonstrates the timelines opportuneness guides achievements of discrete polling of House of peoples till today^[7].

Table 1

Lok Sabha	Last date of poll	Date of constitution of Lok Sabha	Date of First sitting	Date of expiration of term (Article 83 (2) of Constitution)	Date dissolution of Lok Sabha	Overall Term (in days) (Col 6-Col 4)	Overall Term (approx.)
First	21-Feb-52	21-Feb-52	13-May-52	12-May-57	04-Apr-57	1787	5 Year
Second	15-Mar-57	05-Apr-57	10-May-57	09-May-62	31-Mar-62	1786	5 Year
Third	25-Feb-62	02-Apr-62	16-Apr-62	15-Apr-67	03-Mar-67	1782	5 Year
Fourth	21-Feb-67	04-Mar-67	16-Mar-67	15-Mar-72	27-Dec-70	1382*	3 Year & 10 Months
Fifth	10-Mar-71	15-Mar-71	19-Mar-71	18-Mar-77	18-Jan-77	2132**	5 Year & 10 Months
Sixth	20-Mar-77	23-Mar-77	25-Mar-77	24-Mar-82	22-Aug-79	880*	2 Year & 5 Months
Seventh	06-Jan-80	10-Jan-80	21-Jan-80	20-Jan-85	31-Dec-84	1806	5 Year
Eighth	28-Dec-84	31-Dec-84	15-Jan-84	14-Jan-90	27-Nov-89	1777	5 Year
Ninth	26-Nov-89	02-Dec-89	18-Dec-89	17-Dec-94	13-Mar-91	450*	1 Year & 3 Months
Tenth	15-Jun-91	20-Jun-91	09-Jul-91	08-Jul-96	10-May-96	1767	5 Year
Eleventh	07-May-96	15-May-96	22-May-96	21-May-01	04-Dec-97	561*	1 Year & 6 Months
Twelfth	07-Mar-98	10-Mar-98	23-Mar-98	22-Mar-03	26-Apr-99	399*	1 Year & 1 Months
Thirteenth	04-Oct-99	10-Oct-99	20-Oct-99	19-Oct-04	06-Feb-04	1570*	4 Year & 4 Months
Fourteenth	10-May-04	17-May-04	02-Jun-04	01-Jun-09	18-May-09	1811	5 Year
Fifteenth	13-May-09	18-May-09	01-Jun-09	31-May-14	18-May-14	1812	5 Year
Sixteenth	12-May-14	18-May-14	04-Jun-14	03-Jun-19	NA	NA	NA

*Midterm polls were held. Dissolution took place before the elections. **Extension due to proclamation of Emergency. Source: Table – I, Page 2, Report of the Parliamentary Standing committee on Personnel, Public grievances, Law and justice – 79th report (Dec 2015) [8].

Judicial Precedents on the Concept of One Nation Election

The pious judgments to Indian Constitution in regard to thirteen Judge Constitutional Bench delivered in *Kesavananda Bharti v. State of Kerala* [9], (AIR 1973 SC 1461) more often ordinarily known as father of Fundamental Rights case. The validity of the earlier judgment of Supreme Court itself in *Golak Nath's case* [10] set to be tested as invalid and in subsequent regards to such the judgment, however the judgment marks its change to a closest ratio whereby six scholarly Judges in connection to the thirteen judges acknowledged the dispute of the complainant that while Article 368 bestows the capability to enhance the highest law of land, in that respect deep rooted constraints on the functions of reformation and accordingly it was guaranteed that the said article did not authorises anybody to reform the highest law power to amend the Constitution for the purpose of catastrophe the coral and basic elements that are un alterable in true sense. It was strongly supported upon the effectiveness to the powers of reformation under Article 368 are effective preservations. The aspect of basic structure, confer to the capitulation, maintain a forbidden hunk of apparent soundness around to such power and its future deeper prospect upon basic human rights and its contemplation upon a large aspects [11].

The majority of the Bench sought to uphold the Constitution of India by protecting the fundamental elements of the Constitution. Judgment was given after analysing various aspects and was based on sound reasoning. The Bench feared that if Parliament was to be given unlimited powers to amend our Indian Constitution that power would be misused and replaced by the Government at will. The basic elements and spirit of the Constitution can be changed by the Government if they have unlimited power to make amendments. There was a need for education to protect the rights of Parliament and the citizens, so Bench came up with a central position to protect both their rights through the doctrine of Basic Structure. Even before our Indian Constitution went into effect, about 30 amendments were already made to it. Following the promulgation of the Indian

Constitution in 1951, some 150 amendments have been passed, and in the United States, only 27 amendments have been passed in 230 years. Despite numerous amendments, the spirit, and the views of the Indian Constitutional framework remain unchanged. The Indian Constitution did not relinquish ownership and spirit as a result of a decision by the Bench in this case. *Keshavananda Bharti's* landmark case has provided stability in the Constitution. Although the petitioner lost his case slightly, but the decision rendered by Bench, in this case, served as the saviour of India's democracy and saved the Constitution from losing its spirit. In *Sarvothama Rao v. Chairman, Municipal Council, Saidapet* [12], Hon'ble Madras High Court in his words marked that, "It is very clear that any post-election solution is not enough to pay for the services required by the applicant, that is, the election, which has now been published, has been postponed, continuously abided adhered as a contestant. It is not reassuring to explain him in that he is able run in another election. It is not a solution to confess him which he requisite accredit the polling proceed as well as be set aside on request and a new election followed. New elections can be subject to completely different conditions and may bring forward a list of candidates. The applicant may obtain the appropriate relief if the proposed election without him or her is suspended until his or her nomination is revoked so an order to stay in the election was absolutely necessary, unless the requested assistance would be denied in all lameness. After that, in *N.P. Ponnuswami v. The Return Officer, Namakkal Constituency, Namakkal, and Salem District* were held that the issue of "Democracy" is a fundamental issue of the Constitution is immeasurable. Therefore, it is necessary to see whether the thirty-nine amendment provisions of the amendment damage or invalidate that feature. International Judgments reference to One Nation Election In the case of *Marbury v. Madison*, lord Marshall duly marked its position that "the United States government is strictly called a rule of law and not a people's government." Further hand in the judgment of *United States v. Lee*, Lord Samuel Miller clearly stated that "No one is superior to him; Officials are creatures of law and must obey it." Although the above views are made in the context of the US Constitution, in my view, they are very similar in the context of our Constitution. International Prospect

There are various nations that use the one-nation election system such as Sweden, Indonesia, South Africa, Germany, Spain, Hungary, Belgium, Poland, Slovenia, Albania and many more. These nation hold a unitary form of electoral system, but as per my opinion, in India simultaneous one nation election seems impossible and there are various inconsistency with the Constitutional frameworks and laches which may arise in this system of electoral due to the Quasi-federal structure and democratic setup of our country^[13]. There may arise Constitutional problems, delay in Election Results, it becomes hard for regional party to compete with national party and most importantly, the worst effect is that it will fade out local issues.

Effect on Constitutional Set up The Bill has received much criticism in terms of democracy and the constitution. The establishment of a democratic and political world often undergoes a number of changes when the Bill is implemented. It should be noted that simultaneous elections can only be held by making adequate amendments to Representation of the People's Act of 1951, Rules of Procedure for Civil Society & House of People's and the Constitution.^[14]

It is proposed that the bill seeks to consider the basic constitutional structure granted by the Supreme Court in the Kesavananda Bharti case. The bill seeks to affect the democratic process in Parliament and to affect the voting power of voters^[15]. In order to be effective, a number of amendments must be made to the Constitution and to the provisions of the Constitution.

Article 83^[16] and Article 172^[17] of the constitution need to be amended to provide for a five-year term of the People's House and of the National Assembly without immediate repeal. These articles continue to provide for the extension of the term in the event of an emergency.

Article 85 (1) and Article 174 (1) dealing with the dissolution of Parliament and the State Assemblies stipulates that the time between the last session of the House of Representatives and the National Assembly and the first session shall not exceed six months.

The Commission has proposed to replace the "insecurity movement' with a 'constructive vote of confidence" by a limited number of appropriate amendments^[18]. According to a "constructive vote of no confidence" the government can only be removed if there is confidence another government. The Commission is seeking amendments to Schedule 10 of the Constitution which deals with anti-apostate laws to ensure that all non-compliance is determined by the presiding officers within six months.

The biggest problem that can be faced in holding elections at the same time is that if no party gets the majority to form a government it can lead to a suspended meeting. To prevent such a situation, the Prime Minister of the Centre and the Governor of the States must provide an opportunity for the largest party and the pre- and post-election alliance to form a government^[19].

Article 356 which deals with the President with the power to declare a state of emergency in the country or in the State shall be amended accordingly.

Other Impeding amendments

For purposes of by-elections held in conjunction with section 14^[20] and section 15^[21] of the People's Law Act, 1951 shall be amended to provide for general election information in the House of Representatives and the

National Assembly. Rule 198 of the Code of Business Conduct in Lok Sabha must be amended in relation to the submission of a motion of no confidence in Lok Sabha.

Conclusion

The concept of One National Election is not generally bad but there are some major challenges in achieving one nation one election. There are fundamental changes that need to be made to the Constitution without building consensus on this issue. Democracy is a very powerful body. If the public does not vote for the support of criminals, corrupt and corrupt politicians who wish to buy their votes with money or muscle power, all that will work well and democracy will be found in the darkness of corrupt and criminal political systems until then. Therefore, while the Electoral Commission is working hard on this approach, it will not succeed unless all political parties and voters realize their responsibility. Lastly, it must have the right approach and must be fully functional and fully equipped to combat any side effects. In the event that Lok Sabha and Parliamentary elections take place, it is a natural process^[22]. But if it is only forced to reduce the number of elections and reduce costs, it is not invited at all, because it raises economic concerns about the democratic process.

For democracy to exist, it is important that the most accessible men are elected as representatives of the people in the proper administration of the country. This can only be found by men of high moral and ethical standards, who will win the election by a valid vote. "Thus, in a permanent democracy, the voter must be given the opportunity to vote in the above buttons and will be able to persuade political parties to nominate a candidate. This situation clearly tells us of a very serious need for a wrong vote" said the Supreme Court^[23]. If the same election were to be true, it would be an important political issue in addressing social differences in India.

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