

ONE NATION, ONE ELECTION IN INDIA

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Abstract

With a view to cleanse the political funding and decriminalize politics, the Election Commission (EC) is working towards a comprehensive review of the election laws. Former Chief Election Commissioner Nasim Zaidi on 7th September, 2016 said that the poll panel is eagerly awaiting government's response on its slew of proposals to decriminalize politics and cleanse political funding. **One Nation, One Election** is a proposed electoral reform in India. It has been proposed to hold a single election for both Lok Sabha and States instead of separate and continuous elections. "Why PM Modi's idea of 'One Nation, One Election' may not work"? (**The Financial Express, 7 September 2016**)¹. Prime Minister Narendra Modi's idea of holding simultaneous elections in the country may be desirable but it may not work in a country as vast and diverse as India, according to experts. Recently in an interview to a news channel, PM Modi had said too many elections in the country were coming in the way of the development of the country. Noting that the country is trapped in the cycle of elections, "It is time to take it out of this cycle. It is time to stop connecting everything with politics."

Keywords: Cleanse the political funding, decriminalize, Election Commission, Narendra Modi etc.



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Introduction:

India is the largest Democracy in the World. Elections are the most important and integral part of politics in a democratic system of governance. Democracy can function only upon this faith that elections are free and fair and not manipulated and rigged. But for certain reasons, system of Democracy is not working properly and common man feels that there is something wrong in the Electoral process.

While the first three general elections (1952-62) in our country were accepted by and large free and fair, a decline in standards began with the fourth general election in 1967. Over the years, Indian electoral system suffered from serious maladies'. Thus, the election process in our country is considered as the basis of political corruption.

The ideal conditions require that an honest, and upright person who is public spirited and wants to serve the people, should be able to contest and get elected as people's representatives. But in actual fact, such a person has no chance of either contesting or in any case winning the election

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Some major reforms taken –broadly classified as pre-2000 and post- 2000²

The reports of various election reform commissions and a number of formal and informal group discussions at various forums and by individuals , have categorically pointed out the defects in the electoral system and came out with some useful suggestions. Yet the problems remaining to be as critical and challenging as ever.

However government has accepted recommendations of many commission reports only partially. some of the important committees are-the Dinesh Goswami Committee on electoral reforms 1990, committee on criminalization of politics by Vohra ,committee on state funding of elections by Indrajith Gupta , subsequent reports by the Law Commission, Election Commission, National Commission to Review the Constitution headed by the M N Venkatachaliah ,second.ARC on ethics in governance headed by Veerappa Moily, Law Commission report headed by A P Shaw 2015.

Reforms pre 2000:

1. **Lowering of Voting Age:** The Constitution (Sixty-first Amendment) Act, 1988 reduced the voting age from 21 years to 18 years for the Lok Sabha (house of the people) and state assembly elections. This has given the youth of the country an opportunity to participate and express their feeling in political processes.
2. **Deputation to Election Commission:** officers or staff engaged in preparation, revision and correction of electoral rolls for elections shall be deemed to be on deputation of Election Commission for the period of such employment .and these personnel during that period, would be under the control, superintendence and discipline of the Election Commission.
3. **Increase in Number of proposers:** Number of electors required to sign as proposers in nomination papers for elections to Council of States (Rajyasabha) and State Legislative Council has been increased to 10% of the electors of the constituency or ten such electors, whichever is less mainly to prevent frivolous candidates.
4. **Electronic Voting Machine:** Electronic Voting Machines (EVMs) were first used in 1998 during the State elections of Rajasthan, Madhya Pradesh and Delhi. EVMs have been widely used in the sixteen Lok Sabha Elections in 2015.as they are-fool proof, efficient and eco-friendly (limited use of papers)

5. **Booth Capturing:** EC May either declare the poll of the particular polling station as void and may appoint a date for fresh poll or countermand election in that constituency because of booth capturing. Booth capturing has been defined in Section 135 A of the RPA 1951.as seizure of a polling station and making polling authorities surrender ballot papers or voting machines, seizure of the polling place, threatening and preventing voters, taking possession of polling stations etc Election Commission on such report may
6. **Disqualification on Conviction for Insulting the National Honors Act, 1971:** shall lead to disqualification for contesting elections to Parliament and State Legislatures for a period of six years from the date of such conviction
7. **Increase in Security Deposits and Number of Proposers:** The amount of security deposit which a candidate needs to deposit at an election to the Loksabha or a State Legislative Assembly has been enhanced to check the multiplicity of non-serious candidates. In the case of an election to the Loksabha, the security deposit has been increased to Rs. 10,000 for the general candidate and to Rs. 5,000 for a candidate who is a member of a Scheduled cast/tribe.

In the case of elections to a State Legislative Assembly, the candidates will have to make a deposit of Rs. 5,000 if they are general candidates and Rs. 2,500 if they belong to a Scheduled Caste or Scheduled Tribe respectively.

Proposers-The amended law further provides that the nomination of a candidate in a Parliamentary or Assembly constituency should be subscribed by 10 electors of the constituency as proposers and if the candidate has not been set up by a recognized National or State Party.

The number of proposers and seconders for contesting election to the office of the President of India has been increased to 50 each from 10 and; number of electors as proposers and seconders for contesting Vice-Presidential election has increased to 20 from 5. The security deposit has been increased to Rs. 15,000 from Rs. 2,500 for contesting election to the offices of President and Vice- President to discourage frivolous candidates.

8. **Restriction on Contesting Election from More than Two Constituencies:** A candidate is eligible to contest election from not more than two Assembly or

parliamentary constituencies at a general election or at the bye-elections which are held simultaneously. Similar restrictions will apply for biennial-elections and bye-elections to the Council of States (Rajya Sabha) and State legislative councils.

9. **Death of a contesting Candidate:** Previously, the election was countermanded on the death of a contesting candidate. In future, no election will be countermanded on the death of a contesting candidate and If the deceased candidate, however, was set up by a recognized national or State party, then the party concerned will be given an option to nominate another candidate within seven days of the issue of a notice to that effect to the party concerned by the Election Commission.
10. **Prohibition with respect to Going Armed to or Near a Polling Station:** is a cognizable offence punishable with imprisonment up to two years or with fine or with both.
11. **Paid Holiday to Employees on the Poll day:** violation of this amounts to a fine up to 500rs
12. **Prohibition on Sale of Liquor-:** No liquor or other intoxicants shall be sold or given or distributed at any shop, eating place, or any other place, whether private or public, within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll. The violation of this rule is punished with imprisonment up to 6 months or fine up to Rs 2000 or both
13. **Time Limit for Bye-elections:** Bye-elections to any House of Parliament or a State Legislature will now be held within six months of occurrence of the vacancy in that House. but, this stipulation will not apply in two cases- where the remainder of the term of the member whose vacancy is to be filled is less than one year or where the Election Commission, in consultation with the Central Government, certifies that it is difficult to hold the bye-election within the said period.
14. **The effective campaigning period** –has been reduced. The gap between the last date for with drawl of nomination and the polling date has been reduced from 20days to 14 days

Reforms since 2000:

Restriction on exit polls-exit poll is an opinion survey regarding how electors have voted etc Thus conducting exist polls and publishing results of exit polls during the election to the

Lok Sabha and state legislative assemblies during the period notified by the election commission shall be punishable with imprisonment up to 2 years and with fine or both.

Ceiling on election expenditure– ceiling on election expenditure for a Lok Sabha seat has been increased to 40 lakhs in bigger states and it varies between 16 to 40 lakhs in other states and union territories. Similarly, ceiling on election expenditure has been increased in assembly elections to 16 lakhs in bigger states and it varies between 8 to 16 lakhs in other states and union territories.

Appellate authority- appellate authority within the district is before the district /additional district magistrate/officer of equivalent rank against the orders of the electoral registration officers instead of chief electoral officer of the state and appeal against the order of district magistrate will now lie before the chief electoral officer.

Voting through postal ballot– allows government servants and certain other class of persons to vote via postal ballot following the Election Commission's consent.

Voting rights to citizens of India living abroad – for employment, education etc, who has not acquired the citizenship of any other country and has his name registered in the electoral roll of a particular constituency (place of his residence) can vote.

Awareness Creation- to encourage more young voters to take part in the electoral process. The Government of India has decided to celebrate January 25th of every year as '**National Voters Day**'. It started from January 25, 2011 to mark Commission's foundation day.

To report contributions- Political parties need to report any contribution in excess of Rupees 20000 to the EC for claiming income tax benefit.

Others–

1. Creation of a fully computerized database of electors, comprehensive photo electoral roll; de-duplication technologies to eliminate bogus and duplicate entries.
2. Video recording of the polling and counting procedures, The Commission developed a system of online communication (COMET) that made it possible to monitor every polling booth on the day of election. Real time monitoring of polling booths using GPS and a web-enabled facility through the Google search engine.
3. The Model Code of Conduct for the guidance of political parties and candidates (1990)

4. Requisition of staff for election duty from other government institutions to compensate manpower and fair conduct of elections
5. Facility to vote through Proxy (armed forces people),
6. Reduction of effective campaigning period to check malpractices
7. Free supply of electoral rolls to the candidates of the recognized political parties for the Lok Sabha and Assembly elections,
8. Allocation of time on electronic media to address public, based on past performances of the recognized political party, exemption of travelling expenditures during elections etc
9. Declaring of criminal antecedents ,assets etc by the candidates and declaring false information in the affidavit is now an electoral offence punishable with imprisonment up to 6 months or fine or both etc.

Why in News?³

The debate on electoral reforms in the Rajya Sabha on March 22 was heartwarming — the civility with which it was conducted the icing on the cake. Members of political parties tend to avoid discussions on electoral reforms, except in private conversations. But the participation in the debate on that day was so enthusiastic that the deputy chairman had to extend the discussion to twice the time that is normally allotted to a short duration discussion — two-and-a half hours to five hours.

The immediate provocation for the debate was BSP supremo Mayawati's allegation of manipulation of EVMs in the recent UP assembly elections. As expected, issues about EVMs took up a major part of the discussion. While a return to ballot papers was mentioned, most speakers demanded the use of VVPATs (voter-verified paper audit trail) in the forthcoming elections to the Gujarat and Himachal Pradesh assemblies, and eventually in the Lok Sabha elections of 2019.⁴

In a judgement in 2013 (Subramanian Swamy versus ECI), the Supreme Court had commended the Election Commission for taking a series of steps to introduce VVPATs, including conducting an all-party meeting in 2011. The meeting had unanimously approved the idea of introducing VVPATs. The EC had then ordered the two EVM companies to start manufacturing the machines and a field test was conducted in 2011 in five climatic zones. Our effort was to introduce these machines in the 2012 UP assembly elections and four other

state assembly elections. That couldn't happen as the field tests revealed snags, which took almost a year to fix.

Holding that the paper trail is an "indispensable requirement of free and fair elections", the Supreme Court directed the Government of India to provide the requisite funds for procuring the VVPAT machines. Appreciating the EC's efforts, the court approved its plan to roll out VVPATs in phases till 2019.

More than three years after the court's directive and despite 10 reminders from the EC, the government has not released the requisite funds. So far, the EC has just 52,000 machines (against the nearly 20 lakh that are required in the country) which were deployed in the recent elections. Meanwhile, two contempt of court petitions have been filed against the government and the EC. After the unanimous demand of the members of Rajya Sabha, cutting across party lines, it is hoped that the government will be compelled to release the funds without further delay.

The other major concern across parties was about paid news. Members demanded that it should be made a cognizable criminal offence.

Use of money power in elections was a serious concern as well, with most speakers demanding state funding of elections. They also demanded a ban on corporate donations. Several members demanded a ceiling on expenditure by political parties to bring down the cost of elections. This is essential to ensure a level-playing field for all contestants.

A very significant subject that was discussed on March 22 was the long-prevalent first-past-the-post system in which the "winner takes all". There is growing concern that the system can lead to majoritarianism. The members wanted this system to be replaced by the proportional representation system which can ensure that every section of the citizenry gets due representation. It was suggested that this will bring down the cost of holding elections and reduce the divisive nature of electoral campaigns.

The prime minister's proposal for simultaneous elections came in for a lot of attack. It was seen as a surreptitious attempt to bring in the presidential form of government. Some speakers said it is against India's federal polity, others believed it will go against the basic structure of the constitution. There was unanimity on banning opinion polls. Many members wanted the abolition of the provision that allows a candidate to stand for election in more

than one constituency. A few members mentioned reservation for women, voting by NRIs and migrants and the need to make the model code of conduct more liberal. Many members suggested the constitution of a parliamentary committee, with experts from outside parliament, with the mandate of suggesting ways to carry out these reforms. However, nobody was interested in talking about the increasing criminalization of politics, which is the EC's — and the nation's — most important concern.

The law minister's reply to the debate, as expected, was largely confined to the EVMs. He defended these machines to the hilt. Strangely, however, he did not give any assurance about the release of funds for the VVPAT machines. It's a pity that the issue may be decided in the contempt petitions pending in the Supreme Court.

It is noteworthy that the EC has mooted all these reforms for over two decades. Several parliamentary committees and at least two reports of the National Law Commission have made sweeping recommendations on these matters. If a committee is set up, it must look at all the reforms proposed by the EC over the years, instead of reinventing the wheel. It should deal with the entire gamut of electoral reforms and not recommend piecemeal solutions.

Proposed Reforms of Election Commission of India⁵:

The EC's proposals could broadly be divided into *three categories*.

Firstly, reforms to cleanse the electoral system (debaring criminally-tainted politicians from contesting, checking money power, empowering the EC to deregister defunct and dubious parties);

Secondly, reforms to make the EC stronger and more independent (appointment of election commissioners through a collegium, their elevation to CEC on the criterion of seniority and their protection from removal only through impeachment as available to the CEC and;

Thirdly, reforms to make the electoral system more efficient (like the introduction of totaliser machines to prevent disclosure of polling patterns in a polling booth).

The prime minister has been talking of electoral reforms for several months. In articles, media interactions and conversations, I have expressed optimism that the time for electoral reforms may finally have arrived. I have been asked if I really believe that the PM is serious about electoral reforms. I sincerely hope my optimism is not ill-founded. The answer, of course, rests with the prime minister.

One Nation One Election⁶:



The present Prime Minister Mr. Narendra Modi

Events happen, reasons follow. Much like the Trump victory that they didn't see coming, political analysts underestimated the world's largest Democratic Party's landslide win in Uttar Pradesh due to grassroots approval for demonetisation as a factor for its electoral sweep. India is the most complex marketplace for democratic choices on offer, so when UP's voters, comprising 16 per cent of India's population, delivered a historic mandate, it clearly confers: 'Modi is India'—presaging the trend for 2019.

With BJP's renewed political invincibility, a prime minister who revels in risk-taking is now expected to roll out a rapid sequel to economic and systemic reforms, and the one for which Modi has been rooting for is One Nation One Election (ONOE).

As a lone star campaigner, omnipresent in all state elections, most of which were seen as a referendum on his policies, few prime ministers have plunged so deeply into state electioneering, a reason for contemplating ONOE—an idea whose time may not yet have come, even as Indian elections turn more presidential.

Till 1960s, general and state elections were held combined in the period of single-party dominance by the Congress. But the advent of coalition politics led to premature dissolution of the Assemblies, altering timelines for the state elections.

A call for simultaneous Lok Sabha and Vidhan Sabha elections has its merits in curtailing spends by political parties with large war chests used for manufacturing consent through advertisements, rallies and distributing freebies, as also channeling the state machinery needed for administering polls.

Besides, frequent imposition of the EC's Model Code of Conduct months before elections puts on freeze capital expenditure much needed for developmental projects. With 29 states and seven Union Territories holding elections cyclically, government efficiency is reduced due to being on campaign overdrive.

The cost to the exchequer in 2014 LS elections was estimated at `3,870 crore, while state elections averaged `300 crore per state, inflating successively. Fiscal prudence is unlikely to convince satraps to consent to convergence, apprehending that voter behaviour is loaded in favour of the central government, should ONOE be implemented.

For example, BJP swept Lok Sabha in 2014, but lost Delhi and Bihar in 2015, which may not have happened had ONOE prevailed. An IDFC research, with a sample size of 513 million voters, points to 77 per cent of them choosing the same party if elections were combined.

Given India's demographic diversity, federalism necessitates that individual states exercise franchise through a staggered three-tier structure more than once in five years addressing: local, civic issues through municipal elections; developmental issues such as health, housing, infrastructure etc through state elections; and finance, defence and foreign affairs through central elections.

Frequent elections provide momentary employment, boost domestic consumption, as also prevent transfer of power to a single entity due to a popularity surge that could help annex both the state and central rule through the dual election filter.

For example, the Modi wave in recent UP polls could have translated into a national victory due to transient euphoria, with no interim exit option to overthrow if the incumbent underperformed, as voter power is limited to being king-for-a-day in the 'lustrum' (the five-year tenure of appointed governments).

As BJP rides the momentum after its resounding success in UP elections, ONOE is the next big gamble, just as demonetization, that can bring a huge win for the party in the central and state elections.

Voters are tired of 'revolving door patterns' in states, such as Mayawati followed by a Mulayam rule, and seem to prefer national formations replicated in states too. Going for ONE could well be a winner-takes-all for the Modi sarkar in 2019 if the reform gets passed.

Pros and Cons of One India One Election:

Every year one or the other state is geared for an election. The tiring process of campaigning and the cost incurred is often very high. Moreover, the frenzied procedure tires everyone out. PM Modi has always been calling for uniting the state and general elections to compromise on the cost of holding the elections and reducing the chaos attached with it. Recently, we saw President Pranab Mukherjee also showed support to the One India One election initiative of PM Modi. India actually is in a perpetual election mode that goes on to hamper long-term policymaking. Everything that is done is seen as intent to gain vote or show the other party down. Is India ready to shun the traditional election mechanism and make way for One India One Election?

Pros:

1. Saving cost: The election procedure is not only tiresome and hectic but also expensive. Parties individually spend a lot on election campaigning, the amount that could be put to better use if they have to do that only at once for the general election as well as the state election. Government also spares no expense when it comes to wooing the votes of the supporters during the times of elections.

2. Saving time: Half of the year is spent by politicians concentrating on strategies for the upcoming election in one or the other state and debating the actions of the competing party. The name calling and blame game take a lot of time that could be used for something productive. On the part of common people too, it would be time saving to cast both the votes together.

3. Creating vote bank: When elections are around the corners, most political parties throw gimmicks to gain vote bank or to destroy the reputation of the other party. They use issues to frame policies that would gain them upper hand at the elections. People are aware of this and more importantly they are tired of this. Building roads and developing infrastructure all seem to happen only when elections are around the corners.

4. Spirit of Policymaking: The fear of losing voters prevent politicians from encouraging the passage of policies that require immediate attention. They are never united in their decisions because they are always worried of how best to appease the people they are expecting highest

votes from. A combined election procedure would give them ample time to concentrate on policymaking without having to worry about the votes being gained or lost.

5. Minimizes the odds: Casteism, communalism, corruption and partiality prevails because of so many elections that happen almost every year. This would only stop if elections are held jointly and odds of gaining or losing prevail at once and for all. The rest of their term of career, they wouldn't try inciting the evil that destroy the peace of the nation.

Cons:

1. Hard Task: Holding the Lok Sabha elections along with elections to assembly and panchayats is not that easy a process. It will have various complications as the villages and the cities together gear for voting. There may also be shortage of administrative staff and security to look after the procedure. Less care at the voting centers may further incite trouble and corrupt processes being carried out unchecked. Booth capturing is not something people would want in exchange for saving on time.

2. Cost efficiency is also a challenge: By putting a strict cap on the election costs for all parties, the overall dilemma associated with the expense of holding elections separately can be done away with. They are usually seen spending before the model code of conduct comes into play. If that can be restricted, there is no way the costs would exceed normal.

3. Playing a role of checks and balances: Politicians are kept on their toes when they are regularly worried about the routine elections that they need to be presentable for. They know they are accountable for the actions of their party member and anything going wrong could mean snatching of their powers. This fear is good to keep them in check.

4. Forcing the representatives for doing only good works: Not many good works go into their books but the ones they do are usually during elections. Cutting down on elections would mean making them lazy for the rest of the term and suddenly becoming overactive during the election year.

5. Combination of National and state issues: Taking both the elections together will also mean mixing up the national issues with those of the state. The national issues would overpower the state which in turn would get less priority from the politicians. One India One Election would be a good change if it could be carried out with the proper implication of policies and rules and taking care of the rising need for good administrative

staff and security officials. Without the required facilities, it is bound to create more problems than it would solve. The initiative is well received and supported by many. Only if it gets the right requisites, there is no reason why it wouldn't prove to be good for the electoral procedures of the country.

Concluding Observation:

In democracy the public is most powerful entity. If the public do not vote in favour of criminals, dishonest and corrupt politicians who wish to purchase their votes by money or muscle powers, everything shall function nicely and the democracy will shine in the dark spectrum of hitherto corrupt and criminalized political system. So, though the EC is working hard in this direction, but it cannot succeed unless all political parties and voters realize their responsibility. Finally there should proper mechanism, fully functional and fully equipped to fight with any triviality. ***“For democracy to survive, it is essential that the best available men should be chosen as representatives of the people for proper governance of the country. This can be best achieved through men of high moral and ethical values, who win the elections on a positive vote. “Thus in a vibrant democracy, the voter must be given an opportunity to choose none of the above button and also will compel the political parties to choose a sound candidate. This situation palpably tells us the dire need of negative voting,” – The honorable Supreme court.***⁷

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