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# भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

BCI:D: 223 /2024

Date: 16.01.2024

To,

1. The Hon'ble Chairman and Members  
High Level Committee - One Nation, One Election  
Jodhpur Officers Hostel,  
Near National Gallery of Modern Art,  
"C" Hexagon (India Gate Circle)  
New Delhi-110003
2. Dr. Niten Chandra,  
Secretary,  
Government of India,  
High Level Committee - One Nation, One Election  
Jodhpur Officers Hostel,  
Near National Gallery of Modern Art,  
"C" Hexagon (India Gate Circle)  
New Delhi-110003

*Ref.: Your letter dated 2<sup>nd</sup> January, 2024 bearing DO No.H-11019/3/2023-Leg.III (HLC) seeking suggestions for consideration of the High Level Committee-One Nation, One Election.*

**Sub.:** Submission of suggestions for consideration of the High Level Committee-One Nation, One Election.

Respected Sir(s),

This is in response to your letter dated 02.01.2024, inviting my suggestions for the consideration of the High-Level Committee on One Nation, One Election.


Having carefully reviewed the Gazette Notification No.211 dated September 2, 2023, and understanding the importance of the Committee's mandate, I appreciate the opportunity to contribute to this significant deliberation. Attached herewith, please find my detailed suggestions on the relevant legal and administrative changes required to facilitate simultaneous elections in the country.

In formulating these suggestions, I have taken into account the terms of reference outlined in the Gazette Notification.

I appreciate the Government's initiative in seeking diverse perspectives on this matter and remain committed to contributing to the collective efforts aimed at enhancing the democratic process in our nation.

Thank you for considering my input, and I look forward to the Committee's deliberations on this crucial matter.

Obligated,

  
(Manan Kumar Mishra)  
Senior Advocate,  
Supreme Court of India  
Chairman, Bar Council of India

# Suggestions for consideration of the High Level Committee-One Nation, One Election

By Manan Kumar Mishra,  
Senior Advocate, Supreme Court of India  
Chairman, Bar Council of India

The proposition of "one nation, one election" in India, advocating simultaneous elections for central and state governments, necessitates substantial legal and administrative transformations for its efficacious implementation.

## A. The envisioned alterations encompass several key aspects-

### 1. Constitutional Amendment-

The foremost imperative involves a constitutional amendment to synchronize the tenures of state assemblies with that of the Lok Sabha. This entails the modification of Article 83, 85, Article 172, 174, and 356 of the Indian Constitution, thereby adjusting the terms of state legislatures to align with the Lok Sabha's tenure. Article 243 K & Article 243 ZA which were inserted to establish a State Election Commission in every state as a constitutional body with powers of 'superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats and Municipalities in the State. may also be seen. The amendments have to synchronize the terms of Lok Sabha, state assemblies and local bodies respectively.

### 2. Empowerment of Election Commission-

Augmenting the Election Commission of India's resources and authority is imperative to adeptly manage the logistics and execution of simultaneous elections. This may necessitate a restructuring of the Election Commission to enhance its capabilities in coping with the escalated workload and heightened complexity.

### 3. Electoral Laws-

Amendments to the Representation of the People Act, 1951, and other pertinent electoral statutes are indispensable to accommodate the intricacies of simultaneous elections. This encompasses provisions delineating coordinated polling schedules, uniform campaign periods, and expenditure limits for both parliamentary and state elections.

*Manan Mishra*

#### 4. Political Funding Reforms-

Ensuring equitable electoral practices and mitigating the influence of monetary prowess mandates substantial reforms in political funding and campaign finance laws. Transparent procedures governing political funding and expenditure are critical to preserving the integrity of the electoral process.

#### 5. Administrative Preparedness-

Comprehensive administrative readiness is paramount to execute simultaneous elections seamlessly. This involves meticulous coordination between the Union and state governments to oversee aspects such as security measures, polling station management, deployment of election personnel, and logistical requisites.

#### 6. Public Awareness and Voter Education-

Realizing the success of "one nation, one election" necessitates extensive public awareness initiatives and voter education campaigns. These endeavors are vital to nurture a high voter turnout and ensure an informed electorate participating in the electoral process.

The aforementioned legal and administrative transformations represent pivotal prerequisites for the actualization of "one nation, one election" in India. It is imperative to acknowledge that such a paradigm shift in the electoral landscape demands meticulous planning, consensus-building among political entities, and a thorough assessment of its potential ramifications on the democratic principles inherent in the nation.

### B. Advantages of Simultaneous Elections (One Nation, One Election)

#### 1. Cost-Efficiency-

Reduces election-related expenditure- Simultaneous elections present a substantial advantage in terms of cost savings. The combined nature of these elections, including parliamentary and state assembly elections, significantly reduces the financial burden on both the Election Commission and political parties. Instead of frequent and separate electoral cycles, resources are streamlined for a single, comprehensive electoral event, leading to financial efficiency.

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2. **Administrative Efficiency-**

Minimizes diversion of resources- Frequent elections often lead to the diversion of administrative personnel, security forces, and resources for election duties. Simultaneous elections address this challenge by consolidating election-related tasks into a single event. This minimizes disruptions to regular administrative functions and allows governmental resources to remain focused on governance rather than being repeatedly redirected for election preparations.

3. **Continuous Governance-**

Ensures stability- Simultaneous elections align the terms of the central and state governments, ensuring stable and continuous governance. In the current staggered election system, varying terms in different states can lead to policy inconsistency and hinder the implementation of long-term development plans. Simultaneous elections provide a framework for consistent policymaking and execution.

4. **Voter Convenience-**

Reduces voter fatigue- One of the notable advantages is the reduction of voter fatigue and inconvenience. With simultaneous elections, voters have the opportunity to cast their votes for all representatives at once. This not only simplifies the voting process for citizens but also encourages higher voter turnout by eliminating the need for multiple visits to the polls within a short span, fostering increased civic participation.

5. **Decentralization of Power-**

Empowers regional parties-Simultaneous elections shift the focus from constant election campaigning to governance. This, in turn, empowers regional parties to concentrate on addressing local issues and regional development. Simultaneous elections contribute to a more decentralized and region-specific political landscape.

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**6. Greater Policy Focus**

Encourages long-term planning- Simultaneous elections incentivize political parties to focus on comprehensive, long-term policy planning and implementation. Unlike the current scenario where immediate electoral pressures often lead to short-term, populist measures, the reduced frequency of elections allows parties to adopt a more strategic and thoughtful approach to governance.

**7. Reduction in Security Concerns-**

Mitigates security challenges- Frequent elections pose significant security challenges as security forces need to be deployed repeatedly in different regions. Simultaneous elections address this by streamlining the election process, requiring security deployments only once in five years. This approach not only ensures better utilization of security resources but also reduces the logistical challenges associated with frequent mobilizations, contributing to enhanced security planning and execution.

The advantages of simultaneous elections encompass financial efficiency, streamlined administration, stable governance, voter convenience, empowerment of regional parties, greater policy focus, and a reduction in security concerns. The consolidation of electoral events emerges as a multifaceted solution to several challenges inherent in the current staggered election system.

**C. Challenges to Simultaneous Elections and Proposals (One Nation, One Election)-**

**1. Constitutional Challenges-**

Require of this step will significant constitutional amendments, facing resistance and legal complexities too.

Amendments to Articles 83, 85, 172, 174, and 356 etc. are required for ONOE.

**2. Overemphasis on National Issues-**

Political discourse may overwhelmingly focus on national issues, ignoring state-specific problems.

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Simultaneous elections may overshadow regional issues, hampering overall development.

**Proposal-**

Introduce regulations or guidelines that mandate discussions on regional issues during campaigns.

Encourage media organizations to provide dedicated coverage to state-specific matters.

Spread awareness among voters about the importance of considering both national and regional factors.

**3. Influence of National Trends-**

Simultaneous elections may lead to a "wave" effect, where national outcomes significantly influence state elections.

Regional concerns may be overshadowed by national sentiment, reducing state-level autonomy.

**Proposal-**

Implement measures to ensure that regional issues receive adequate attention.

Encourage political parties to form alliances based on shared regional interests.

Emphasize the autonomy of state-level governance and the importance of state-specific policies.

**Other Proposals in this regard are as follows-**

Implement a phased approach, starting with pilot projects in a few states to test feasibility.

Implement staggered terms for states, allowing elections to be synchronized gradually

Allow flexibility for states to adapt to their unique political circumstances.

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Encourage the formation of regional alliances and address regional issues during national campaigns.

Emphasize the importance of regional issues during election campaigns to avoid neglect.

Encourage political parties to include regional concerns in their national agendas.

Designate a portion of the campaign period specifically for addressing state-specific issues.

Strengthen the role of the upper house (Rajya Sabha).

Implement robust mechanisms for oversight and accountability.

Empower local governments through increased devolution of authority.

Establish a mechanism for addressing grievances related to federal imbalances.

In conclusion, the vision of "One Nation, One Election" presents a promising stride forward for India. Its a very welcome step.

This transformative concept, aimed at enhancing efficiency, warrants careful deliberation before becoming an integral part of the electoral framework.

By aspiring to streamline our democratic process, it is imperative to proactively recognize and overcome potential challenges, ensuring that the essence of democratic principles remains steadfast.

In conclusion, the prospect of One Nation One Election holds immense potential for the nation, offering a multitude of advantages that can contribute significantly to the overall progress and coherence of our electoral system.

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**(Manan Kumar Mishra)**  
**Senior Advocate,**  
**Supreme Court of India**  
**Chairman, Bar Council of India**