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EDITORIAL ANALYSIS

One Election, Many Problems (GS Paper-II)

Context

- The High Level Committee (HLC) on One Nation One Election (ONOE), headed by the former President of India, Ramnath Kovind, has submitted its recommendations to the President.
- Simultaneous elections, popularly known as “One Nation, One Election”, means holding elections to Lok Sabha, all state Legislative Assemblies, and urban and rural local bodies (municipalities and panchayats) at the same time.
- The HLC’s report has made recommendations in favour of simultaneous elections starting from 2029.
- Though these recommendations would not be implemented until 2029 and also, the Supreme Court would have the final say on its constitutionality, but the exercise itself suggests how democratic set up can be fundamentally altered through partisan methods.

Key Points of the Article/Lead

- It has recommended a two-step approach to lead to the simultaneous elections across all the tiers of the government.
- As the first step, simultaneous elections will be held for the House of the People and the State Legislative Assemblies.
- In the second step, elections to the Municipalities and the Panchayats will be synchronized with the House of the People and the State Legislative Assemblies in such a way that Municipalities and Panchayats elections are held within hundred days of holding elections to the House of the People and the State Legislative Assemblies.
- It also suggests amending Articles 83 and 172 of the Constitution to enable simultaneous elections to the state legislative assemblies and the House of the People without requiring state ratification.
- It also suggests that fresh elections for state legislative assemblies will be held for the remainder of the term in the event of a hung House, a no confidence motion, or an unexpired dissolution of the assembly.
- The Committee also recommends that there should be a single electoral roll and Electoral Photo Identity Cards (EPIC) for use in elections to all the three tiers of Government.

Challenges to the ONOE

(i) Constitutional Barriers

- The Constitution currently provides an equal five-year tenure for every elected Assembly and Parliament. An amendment to this will impair the constitutional right that is endowed with each voter and the candidate.
- The concept of simultaneous elections is not found in the Constitution of India and goes against the foundational principles of democracy.



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(ii) Federal Issues

- There is a concern that combining elections at various levels might blur the distinction between the various layers of governance and its specific needs, leading to a centralized approach that could neglect local issues and dilute lower-tier democratic representation.

(iii) Role of Election Commission of India (ECI)

- It is not clear whether ECI or the HLC have done a rounded logistical assessment of the requirements to hold simultaneous elections in terms of security personnel, election officials, voting machines, etc.
- Also, in the recent times, the conduct of EC has raised questions about its authority and independence, especially by the opposition Political Parties.

(iv) Against the Doctrine of Basic Structure

- The Supreme Court in the Indira Gandhi case (1975) held that democracy is a basic feature of the Constitution, which also includes the free and fair elections.
- The Supreme Court in Kihoto Hollohan case (1992) also reaffirmed that democracy is a part of the basic structure of our Constitution, and rule of law; and free and fair elections are basic features of democracy.
- The question of whether elections are being conducted in a manner that is impartial, free, and fair is something that the Court needs to look at very closely in order to avoid any adverse outcomes.

(v) Role of Constitutional Courts

- It is the duty of constitutional courts to monitor and effectively respond to the excesses of the executive and legislative branches of the government. For example- recent judgment of the Supreme Court in Chandigarh Mayoral Election case (2024) [(Kuldeep Kumar vs UT Chandigarh and Ors (2024))].

Conclusion

- Therefore, the deliberations with respect to One Nation One Election (ONOE) reflect broader conflict between the efficiency, constitutional supremacy, and federalism.
- The resolution of these issues will likely require careful discussion, balancing competing interests to uphold the principles of democracy and federalism entrenched in the Constitution of India.
- Though HLC has recommended it to be implemented from 2029 but since these recommendations have just come before the General Election 2024, the public pulse will be checked in 2024 itself, during the General Election.
- However, these recommendations will significantly enhance transparency, inclusivity, ease and confidence of the voters.

Source : Indian Express



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