One Candidate One Constituency

Why in news?

With the demand for One Nation One Election, the issue of one nation multiple constituency has also been raised.

What are the current electoral contesting provisions?

- **Election -** The Constitution of India provides for regular elections every 5 years to the Legislative Assembly and the lower House of Parliament.
- **Parliamentary legislation –** Article 327 of Constitution empowers Parliament to regulate the manner of conducting the elections.
- **Two constituency contest -** Representation of the People Act 1951 permits a candidate to contest any election (parliamentary, assembly, biennial council, or bye-elections) from up to two constituencies.

  Till 1996, a candidate can contest from any number of constituencies and it was limited to 2 constituencies by amending the 1951 RPA act.

- **Safety net for candidates** - Contesting multiple seats provides a safety net for candidates, especially in tightly contested constituencies.
- **Seat retainment** - Section 70 of RPA stipulates that a candidate can hold only one seat at a time, regardless of whether they have been elected to more than one seat.
- If a person is elected to two seats in a House should exercise option for one. Otherwise, both seats become vacant.

What are the impacts of one candidate multiple constituencies ?

- **Frequent by-elections -** There were 44 by-elections for State Assemblies in November 2024 due to the resignation of sitting legislators.
- **Wastage of financial resources -** The extra cost of holding a by-election falls on the government.

  In the 2014 general election, the administrative cost of the Lok Sabha elections borne by the central government and Legislative Assemblies by the State governments amounted to ₹6,931 crore (₹12.76 crore per seat).

- **Financial burden for political parties** - Financial burden of organising a by-election disproportionately falls on the already defeated candidate and their party, forcing them to spend resources once again.

Political parties have spent almost ₹1,35,000 crore for the recent general election, or about ₹250 crore per constituency.

- **Favours ruling party** - The by-election necessitated by the vacation of a winning candidate within an initial six months tends to favour the ruling party.
- **Undermines democratic principles** - A candidate contesting from multiple seats serves as a hedging mechanism against uncertainties and often prioritises the leader's interests, not the people.
- **Against freedom of speech** - Contesting multiple constituencies, winning them, and vacating one for a by-election violates freedom of speech and expression under Article 19(1)(a) of the Constitution.
- **Reduced voter turnout** - This practice causes voter confusion and discontent, leading to decline in voter turnout.

What lies ahead?

- Amend Representation of People Act 1951 to ban one candidate contesting from multiple constituencies for the same office as recommended by Election Commission of India and 255th Law Commission.
- Recover the full cost of by-elections from the candidate vacating a seat to discourage candidates from contesting simultaneously.
- Hold the by-elections after a year, allowing voters ample time to make an informed decision and giving the defeated candidate sufficient time to recover and prepare.

Reference

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