

## 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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