



No Bar on Contesting Two Seats in One Poll

Prelims: One Candidate One Constituency, Election Commission, Representation of the People Act.

Mains: Issue with a Candidate contests for two constituencies.

Why in News?

Recently, the Supreme Court has rejected a petition to **bar candidates from contesting from more than one constituency** in the general or assembly elections, calling it a matter of “**parliamentary sovereignty**” and “political democracy”.

- The plea had challenged the constitutionality of **Section 33(7) of the [Representation of Peoples Act, 1951](#)**, citing that it is unreasonable for creating **extra burden on the public exchequer as by-elections will invariably follow because candidates have to give up one seat** in case, they win on both the seats.

What is the Ruling?

- There is no relevant provision in the Representation of People Act (RPA) that **may warrant an intervention by the court in this matter** and this matter falls “**squarely within the legislative domain**” and “realm of policy”.
- It is parliament’s will that determines whether political democracy is furthered by granting such a choice.
- **Contesting from multiple seats** can be due to multiple reasons and there would be reasons which weigh in the balance and whether it furthers parliamentary democracy is something which is in the legislative domain.
- This issue lies in the domain of **parliamentary sovereignty**.
 - It highlighted that **parliament did amend the law in 1996 to restrict the number of constituencies to two** whereas earlier, **a candidate could contest from any number of seats**.
 - The parliament has already intervened in the past. The parliament can certainly step in again. At the relevant time when the parliament deems it appropriate to do it, they will do it. There is no question of inaction on anybody’s part.

What are the Provisions Related to Twin Candidature?

- As per **Section 33(7) of the [RPA \(Representation of the People Act\), 1951](#)**, one candidate can contest from a maximum of two constituencies.
 - More constituencies were allowed until 1996 when the RPA was amended to set the cap at two constituencies.
- **Since 1951, many politicians have used this factor to contest from more than one seat** – sometimes to divide the opponent’s vote, sometimes to profess their party’s power across the country, sometimes to cause a ripple effect in the region surrounding the constituencies **in favor of the candidate’s party and all parties have exploited Section 33(7)**.

What Issues Arise from Twin Candidature?

- **Waste of Resources:**
 - Campaigning and contesting in multiple constituencies **can be a waste of Resources and Money**, both for the candidate and the government.
 - After sacrificing one of the Constituencies, a by-election is immediately triggered, which again increases the burden on Public Exchequer.
 - For example, in 2014, after PM Narendra Modi won both Vadodara and Varanasi, he vacated his seat in Vadodara, forcing a by-election there.
- **Conflicts of Interest:**
 - Running in multiple constituencies can create conflicts of interest, as the candidate **may not be able to devote equal time and attention** to each of their constituencies.
- **Paradoxical Provisions:**
 - Section 33(7) of the RPA leads to a situation where it would be negated by another section of the **same Act - specifically, Section 70**.
 - While 33(7) allows candidates to contest from two seats, **Section 70 bars candidates from representing two constituencies** in the Lok Sabha/state. Assembly.
- **Voter Confusion:**
 - Voters in different constituencies **may be confused about which candidate is representing them**, or which candidate they should vote for.
- **Perception of Corruption:**
 - Running in multiple constituencies **can also raise questions about the candidate's motivation and create the perception of corruption**, as they may be seeking multiple seats in order to increase their chances of winning office.
- **Threat to Democracy:**
 - Twin candidature can be seen as a threat to democracy, as **it can undermine the principle of fair and equal representation**.

Way Forward

- The [Election Commission](#) recommended **amending Section 33(7) so as to allow one candidate** to contest from only one seat.
 - It did so in 2004, 2010, 2016 and in 2018.
- A system should be devised wherein if a candidate contested from two constituencies and won both, **then he or she would bear the financial burden of conducting the subsequent** by-election in one of the constituencies.
 - The amount would be Rs 5 lakh for a Vidhan Sabha election and Rs 10 lakh for a Lok Sabha election.
- **One person, one vote** is the dictum that has been a founding principle of Indian democracy. Perhaps it is time **to modify and expand that principle to "One person, one vote; one candidate, one constituency**.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. Consider the following statements: (2017)

1. The Election Commission of India is a five-member body.
2. The Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.
3. Election Commission resolves the disputes relating to splits/mergers of recognised political parties.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
(b) 2 only

(c) 2 and 3 only
(d) 3 only

Ans: (d)

Mains

Q. Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct. **(2022)**

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