



One Candidate Multiple Constituencies

For Prelims: [Article 101](#), [Parliament](#), [Bye-elections](#), [Model Code of Conduct](#), [Article 19](#)

For Mains: Electoral Reforms in India, Impact of OCMC on democracy and governance

[Source:IE](#)

Why in News?

The debate on electoral reforms in India has gained momentum with the introduction of the [One Nation, One Election \(ONOE\) Bills](#). This has also highlighted the issue of [One Candidate, Multiple Constituencies \(OCMC\)](#), where a candidate contests elections from more than one constituency.

- This trend, while legally permitted, raises concerns about governance efficiency, public trust, and the financial burden of frequent elections.

What are the Provisions Regarding OCMC?

- **Representation of Peoples Act (RPA), 1951:**
 - **Before 1996:** No restriction on the number of seats a candidate could contest. Winners could vacate all but one.
 - **Post 1996: Section 33(7) of the RP Act restricts candidates to contesting from a maximum of two constituencies at the same time** in an election.
 - If a person is elected to multiple seats in Parliament or a State Legislature, they must resign all **but one within the prescribed time**. Otherwise, **all their seats will be vacated under Section 70 of the RP Act**.
 - [Bye-elections](#) held to fill vacated seats within six months (Section 151A).
- **Constitutional Provisions: [Article 101](#)** deals with the vacation of seats, disqualifications, and dual membership in Parliament.
 - **Article 101(1)** states that no person can be a member of **both Houses of Parliament**, and a law shall provide for vacating one seat if elected to both.
 - **Article 101(2):** No person can be a member of **both Parliament and a State Legislature**. If elected to both, they must resign from the State Legislature within the period specified by the President, or their **Parliament seat is vacated**.
- **Prohibition of Simultaneous Membership Rules, 1950:** A person cannot hold membership of both Parliament and a state legislature at the same time.

What are the Key Challenges Associated with OCMC?

- **Favors the Ruling Party:** Ruling parties, with control over state resources, gain an advantage in bye-elections, making it harder for opposition parties.
- **Financial Strain:** Frequent bye-elections due to multiple-seat wins increase costs and burden **taxpayers**.

- The 2024 Lok Sabha election cost Rs 6,931 crore, with by-elections adding Rs 130 crore.
 - However, the larger concern is political party spending, estimated at Rs 1.35 lakh crore, raising questions about financial transparency and the possible influence of unaccounted funds (**black money**), ultimately impacting the public.
- Additionally, defeated candidates must **recontest within months**, straining party resources and **hindering fair competition**.
- **Parachute Candidacy Issues:** A parachute candidate refers to a **candidate contesting elections in a constituency where they have little connection** or local presence.
 - In OCMC, parachute candidates often lack local engagement and accountability, sidelining grassroots leaders and causing party dissatisfaction.
- **Administrative Disruptions:** Frequent elections lead to the repeated enforcement of the **Model Code of Conduct (MCC)**, delaying government policies and straining resources.
- **Breach of Voter Trust:** Elections should serve the people, but **OCMC prioritizes political interests**. It reduces accountability and favors politicians over the electorate, leading to **leader-centric politics** and undermining democratic processes.
- **Potential Violation of Fundamental Rights:** Could undermine **Article 19(1)(a)** (freedom of speech and expression) by depriving voters of their chosen representative.

Global Practices of OCMC

- **Australia:** A sitting legislator must resign before contesting for another parliamentary house.
- **European democracies:** The United Kingdom has banned OCMC since 1983, and most European democracies have phased it out to ensure clear representation and accountability.
- **Italy:** One cannot contest simultaneously for the Senate and the Chamber of Deputies.
- **Pakistan & Bangladesh:** Allow candidates to contest **multiple constituencies** but require them to vacate all but one.

What Reforms Can be Introduced to Regulate OCMC?

- **Banning OCMC:** The **Election Commission of India (ECI)** and the **255th Law Commission Report (2015)** recommended **banning multiple seat contests**.
 - This would **enforce “One Election, One Candidate, One Constituency (OCOC)”** strengthening democratic fairness.
- **Recover Bye-Election Costs:** Candidates who vacate a seat should bear the bye-election expenses to deter seat-hopping.
- **Delay Bye-Elections:** Extending the **cooling off period for bye-elections to one year** would allow defeated candidates more time to prepare while also reducing the ruling party's unfair advantage in such elections.
- **Mandatory Resignation:** Candidates should resign from their existing position before contesting another election to ensure commitment to their elected role.

ELECTORAL REFORMS IN INDIA

ELECTORAL REFORMS ARE CHANGES MADE TO IMPROVE THE ELECTION PROCESS AND ENSURE FAIRNESS.

Electoral Reforms Before 1996

- ➔ **Model Code of Conduct (1969):** Guidelines to regulate political parties and candidates prior to elections
- ➔ **61st Constitutional Amendment Act (1988):** Lowering of the voting age from 21 to 18 years
- ➔ **Electronic Voting Machines (EVMs) (1989):** Switched from individual colored ballot boxes to ballot papers, and later to EVMs
- ➔ **Booth Capturing (1989):** Provision for adjournment of poll or countermanding of elections in such cases
- ➔ **Elector's Photo Identity card (EPIC) (1993):** Electoral roll is the basis to issue EPIC to registered electors
- ➔ **ECI- A Multi-member Body (1993):** Election commissioners were appointed in addition to CEC

Electoral Reforms of 1996

- ➔ **Time-limit for By-elections:** Elections must occur within 6 months of any vacancy in a legislative house
- ➔ **Listing of Names of Candidates:** Contesting candidates categorized into 3 groups for listing
 - ➔ Recognised & registered-unrecognised political parties
 - ➔ Other (independent)
- ➔ **Disqualification for Insulting the National Honour Act, 1971:** Leads to election disqualification for 6 years upon:
 - ➔ Insulting the National Flag, Constitution of India or preventing the singing of National Anthem

Electoral Reforms After 1996

- ➔ **Vote Through Proxy (2003):** Service voters in Armed Forces & forces under Army Act can vote by proxy
- ➔ **Allocation of Time on Electronic Media (2003):** Equitable sharing of time on electronic media during elections to address the public
- ➔ **Introduction of Braille Signage Features in EVMs (2004):** To facilitate the visually impaired voters to cast their votes without an attendant

Electoral Reforms Since 2010

- ➔ **Voting Rights to Indian Citizens Living Abroad (2010)**
- ➔ **Online Enrollment in Electoral Roll (2013)**
- ➔ **Introduction of NOTA option (2014)**
- ➔ **VVPAT Voter Verified Paper Audit Trail (2013):** Introduction of VVPAT with EVMs to conduct free and fair elections
- ➔ **Photos of Candidates on EVMs and Ballot Papers (2015):** To prevent confusion in constituencies with namesake candidates
- ➔ **Introduction of Electoral bonds (2017 Budget):** An alternative to cash donations for political parties
 - ➔ Declared as unconstitutional by SC (2024)
- ➔ **Launch of Electronic EPIC (2021)**
- ➔ **Home Voting for People with Disabilities & Those Above 85 years of Age (2024)**

IMPORTANT COMMITTEES/ COMMISSION

Committees/ Commission	Year	Purpose
■ Tarkunde Committee	1974	■ By Jaya Prakash Narayan (JP) during the "Total Revolution" movement.
■ Dinesh Goswami Committee	1990	■ Electoral Reforms
■ Vohra Committee	1993	■ On the Nexus between Crime and Politics
■ Indrajit Gupta Committee	1998	■ State Funding of Elections
■ Second Administrative Reforms Commission of India	2007	■ Report on Ethics in Governance (Headed by Veerappa Moily)
■ Tankha Committee (Core Committee)	2010	■ To look into the whole gamut of the election laws & electoral reforms.

Conclusion

Elections in India demand vast financial and administrative resources. Frequent by-elections due to OCMC

waste time and funds that could be used for development. Unlike *One Nation, One Election*, OCOC lacks strong political backing. If *One Person, One Vote* is a core democratic principle, enforcing *One Candidate, One Constituency* is essential for fairness.

Drishti Mains Question:

The practice of One Candidate, Multiple Constituencies has significant implications. Discuss the challenges it poses and suggest viable electoral reforms to address them.

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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