



One Candidate One Constituency

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

For mains: Issue with a Candidate contests for two constituencies

Why in News?

Recently, the [Chief Election Commissioner](#) asked the Ministry of Law & Justice to **limit the seats from which a candidate can contest to just one.**

- It had also recommended a ban on exit polls and opinion polls and said there should be some restriction on conducting and disseminating the results of opinion polls right from the day of the first notification of an election till the completion of the election in all its phases.

What is the Background?

- 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 favour of the candidate's party and **all parties have exploited Section 33(7).**

What are the Issues?

- **One Act Negates another:**
 - Since no Candidate can represent two Constituencies, the idea of this system appears to be illogical and ironic.
 - The irony behind Section 33(7) of the RPA is that it 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.
- **By-election Strains Public Exchequer:**
 - After sacrificing one of the Constituencies, a by-election is automatically triggered immediately after the general election.
 - For example, in 2014, after PM Narendra Modi won both Vadodara and Varanasi, he vacated his seat in Vadodara, forcing a by-election there.
 - Lakhs of taxpayer rupees need to be shelled out because of a by-election that could have been easily avoided.
 - Before 1994, when candidates could contest from even three seats, the financial burden was even heavier.
- **Voters Lose Interest:**

- Repeated elections are **not only unnecessary and costly, but they will also cause voters to lose interest** in the electoral process.
- Invariably, the by-election would **most likely see fewer voters turn out to vote when compared to the first election** a few days earlier.

What are the Points in Favour of Contesting two Seats?

- The system of one candidate, two constituencies provides a **“wider choice to the polity as well as candidates”**.
- Doing away with the provision **could cause an infringement of the rights of the candidates contesting elections** as well as curtail choice of candidates to the polity.

What are the Recommendations of the Election Commission?

- 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.

What are Exit & Opinion polls?

- An **opinion poll is a pre-election survey** to gather voters’ views on a range of election-related issues.
- An **exit poll, on the other hand, is conducted immediately after people have voted**, and assesses the support for political parties and their candidates.

Why is the Election Commission (EC) against these polls?

- Both kinds of polls **can be controversial if the agency conducting them is perceived to be biased**.
- The projections of **these surveys can be influenced by the choice, wording and timing of the questions**, and by the nature of the sample drawn.
- Political parties **often allege that many opinion and exit polls are motivated and sponsored by their rivals**, and could have a distorting effect on the choices voters make in a protracted election, rather than simply reflecting public sentiment or views.

Way Forward

- **“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 Question (PYQ)

Q. Consider the following statements: (2020)

1. According to the Constitution of India, a person who is eligible to vote can be made a minister in a State for six months even if he/she is not a member of the Legislature of that State.
2. According to the Representation of People Act, 1951, a person convicted of a criminal offence and sentenced to imprisonment for five years is permanently disqualified from contesting an election

even after his release from prison.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (d)

Exp:

- According to Article 164 of the Constitution, a minister who is not a member of the state legislature for any period of six consecutive months shall cease to be a minister. The provision allows a non-legislator to occupy a post in the council of ministers, including the office of the chief minister for six months. Within six months, he must become a member (either by election or by nomination) of either House of the state legislature, otherwise, he ceases to be minister.
- As to become a member of the state legislature one must be not less than 30 years of age in the case of the legislative council and not less than 25 years of age in the case of the legislative assembly. Hence, statement 1 is not correct.
- According to the Section 8(3) of the Representation of People Act, 1951, a person convicted of any offence and sentenced to imprisonment for not less than two years shall be disqualified for contesting an election (MLA or MP) from the date of such conviction and shall continue to be disqualified for a further period of six years since his release. Hence, statement 2 is not correct. **Therefore, option (d) is the correct answer.**

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