



## 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.



Drishti IAS

## 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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