
“ONE NATION ONE ELECTION”: THE ULTIMATE QUESTION OF DEMOCRACY AND FEDERALISM

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ABSTRACT

“One Nation, One Election” (ONOE) signifies all the elections at a time to the Lok Sabha, State Legislative Assemblies and local bodies election so that all the elections shall be conducted simultaneously rather than at different time. The amendment in the current scenario of election seeks to reduce the frequency of elections and “financial burden of elections, reduce the defence personnel movement, reduce disruption to governance, and ensure greater enforcement which hinder because of model code of conduct. Supporters of the ONOE states that simultaneous elections could reduce “administrative expenditure, limit the prolonged imposition of the Model Code of Conduct”, and allow the various governments to focus on long-term development without any breaks. However, the amendments also raises significant “constitutional, federal, political, and practical concerns”. Various questions raises regarding the “premature dissolution or extension of legislative assemblies”, and maintaining the balance between national and regional interests in the federal country. This paper examines the constitutional framework, various benefits, challenges, and democratic scenarios of ONOE in India. This paper further checks whether ONOE can strengthen Administrative governance while safeguarding India’s “federal structure and democratic accountability”.

Keywords: Election, Constitutional, Administrative, Political, Legislative Assemblies.

“One Nation One Election”: The Ultimate Question of Democracy and Federalism

“Voting is formal expression of will or opinion by the person entitled to exercise the right on the subject or issue in question”¹

- Supreme Court of India

INTRODUCTION

Elections, within the framework of a constitutional safeguard of democracy, are a key mechanism that facilitates the exercise of will of the people and implement the principle of “representative government”. Elections serves as the primary conduit through which the people, as the ultimate source of sovereign authority, delegate legislative and executive powers to their duly elected representatives. The electoral process ensures the periodic, peaceful, and legitimate transfer of political power to implement the will of people, thereby upholding the constitutional principles of accountability, transparency, and the “rule of law”. In India, the regular conduct of elections to the “Lok Sabha”, “State Legislative Assemblies”, and “local self-government institutions” under Articles 324 (2) and 329 (3) of the Constitution reflects the federal character of governance and reinforces participatory democracy. The right to vote, although statutory in nature, functions as a vital instrument for effectuating the democratic ethos “enshrined in the Preamble” and in the Constitution. “Free and fair elections” are a “basic feature of the Constitution”, as affirmed by the judiciary, and are integral to ensuring that governance remains responsive and representative. They provide a structured and institutionalized mechanism for the electorate to articulate their demands, express their political preferences, and hold their representatives accountable through legal and procedural means. The elected bodies, thus constituted, possess the constitutional mandate to enact legislation, formulate public policy, and discharge executive functions on behalf of the citizenry.

Accordingly, elections are not merely political events, but legal processes central to the sustenance of constitutional governance and democratic legitimacy.

¹ “Lily Thomas Vs. Speaker, Lok Sabha, (1993) 4 SCC 234”.

² “The Constitution of India, art. 324”.

³ “The Constitution of India, art. 329”.

“Everyone believes that politics and political institutions matter but exactly how they matter, and how one might choose among them, remains something of a mystery and different political ideas and acts are accepted and rewarded in different political systems while others are rejected and penalized”⁴. “Depending on the kind of political institutions totalitarian, authoritarian or democratic in place makes a difference in people's lives, as each commands its own set of rules and penalties for the ways people engage in politics”⁵. “The structure of political institutions may also affect the efficacy and sustainability of the institutions themselves. Therefore, choice of political institutions is critical”⁶. To re-introduce “One Nation, One Election” a bold vision to synchronize these elections into a single, harmonious democratic exercise. “One Nation One Election” is not the new concept for Indian Democracy, till the year 1971 the concept of “One Nation One Election” is implemented because in the year 1950 and 1951 the first general election and state's election takes place together and it was so continued till the year 1971 until the central government preponed the election which were scheduled in the year 1972 and implementation of Article 356 was also the reason of the disparity in the central and state election. Imposition of National Emergency in the year 1975 creates difference in the cycle of “One Nation One Election”.

This idea of “One Nation One Election” goes beyond mere logistical effectiveness, cost saving, remove difficulties to conduct multiple election at various level of government. The concept of “One Nation One Election” rewrites the very character of India's federalism, wherein a balance of governance between the union and the States would be established in a different way. With the coordination of election timetables, this approach can hopefully transform the often splintered attention of political leadership into good governance. Rather than being forever switching between administrative work and electioneering, elected representatives could devote uninterrupted time to the implementation and making of policies. The implications at the federal level are important. Simultaneously held elections can allow coordination between the State and Central governments, thus creating convergent pathways for policy implementation. However, the reforms also raise serious issues about

⁴ “Dr. Sapna Chadah, One Nation, One Election: An Assessment of the Legal Framework and Road Ahead, Theme Paper for 49th All India Conference of Directors of State and Union Territory Panchayati Raj Institutions, Indian Institute of Public Administration, New Delhi, 2024, available at https://iipa.org.in/upload/Theme_Paper_2024.pdf (last visited April 24, 2025)”.

⁵ “Ibid”

⁶ “Ibid”

state autonomy and the distinct regional cultural identities that mark India's federal structure. And it is a cost effective decision as well as “just after the 2014 Parliamentary election, many state elections were conducted which were again very expensive so add this up to Lok Sabha election cost and one can conclude that Bill comes to around Rs 5313 crores”⁷. “Thus, the point to be noted over here is that elections to Lok Sabha and the State Assemblies are very costly, If these elections were held together it would have cost us just Rs 4500 crores which would have easily saved at least Rs 2000 crores spent on election expenses”⁸. And the simultaneous election will also help in the proper use of human resource be it in the form of armed forces for the smooth conduction of election or teachers which were send on the duty as election officer and the question of modal code of conduct which was enforced during the election hinders in the implementation of developmental scheme.

HISTORY OF “ONE NATION ONE ELECTION”

India did not follow the practice of separate elections for Centre and state assemblies conventionally. After the independence of India in 1947, the first general elections for the central and state legislature in the year 1951-52 were held simultaneously and the same practice has been continued in subsequent elections in the year 1957, year 1962 and year 1967. Thus, the practice of simultaneous election was followed expeditiously till 1967, however the pattern broke afterwards. The political instability at the federal that is central level and state level led to the disruption of one nation, one election. One of the prominent reasons was the dissolution of state assemblies before the completion of fixed tenures, defection i.e., (member leaving one party and join another), emergency proclamation and other reasons non-related to politics affected the synchronization of electoral cycle. The variation can be Indicated from the midterm election of the House of people held in the year 1971 which were called upon by the Indira Gandhi. This preponed election was results of the disputes within the party itself. Then Prime Minister Indira Gandhi was expelled from the then Congress party in the year 1969, allegedly for the violation of the discipline of the party, because the “syndicate” consisted of “K Kamraj, Atulya Ghosh, Neelam Sanjiva Reddy, S

⁷ “Is the Idea of India’s “One Nation One Election” a Miracle or a Disaster?, GyanKOSH, Indian Institute of Public Administration, available at <https://www.iipa.org.in/GyanKOSH/posts/is-the-idea-of-Indias-one-nationone-election-a-miracle-or-a-disaster> (last visited April 24, 2025)”.

⁸ “Is the Idea of India’s “One Nation One Election” a Miracle or a Disaster?, GyanKOSH, Indian Institute of Public Administration, available at <https://www.iipa.org.in/GyanKOSH/posts/is-the-idea-of-Indias-one-nationone-election-a-miracle-or-a-disaster> (last visited April 24, 2025)”.

Nijalingappa, SK Patil and Biju Patnaik”, was not happy with her stand on the major issues independently.

In response of her removal from the party, she constituted a distinct party named as Indian National Congress (Requisitionists), in opposition to the previous Indian National Congress (Organization) which was headed by K Kamaraj. Further, with the assistance of Dravida Munnetra Kazhagam, she formulated a minority government, however she was in anticipation of the instability. She asked the President VV Giri for dissolution of Lok Sabha, who did so as per her advice, and later she announced a midterm election immediately in the year 1971. However, apart from the internal conflicts, the external factors like sudden deaths of two Prime Ministers, wars with Pakistan, drought period, declining value of rupee, increased corruption etc also supported her way to the pre-poned elections.

Indira Gandhi won by defeating Raj Narain in the Lok Sabha elections of 1971. However, he filed a petition against her alleging that she used corrupt and malpractices in the election procedure.⁹ The High Court in its decision, upheld her guilty of the corrupt practices and elections were also declared invalid. Further, she was retrained for six years from holding the elected position. She went for appeal in the Supreme Court which put stay on High Court verdict and in midst of the decision, government made 39th Constructional Amendment by incorporating article 329A¹⁰. As per this article, the Court has no jurisdiction to resolve matters of the Prime Minister and Speaker regarding the disputes of elections.

The Supreme Court in Its final judgement, reversed the decision of the High Court regarding the corrupt practices as there was no sufficient evidence of the same. Further it validated the elections. However, the amendment was declared unconstitutional as it violated the doctrine of basic structure. Therefore, the prior elections of 1971 which was meant to be held in 1972, broke the synchronized cycle of elections. This led to the complete change in the electoral cycle pattern. Rather than the conventional practice of synchronized elections, separate elections were conducted for the centre and State legislature. This has resulted in creation of new system of separate election for different tiers of government. The “Law Commission of

⁹ Indira Nehru Gandhi v. Raj Narain, 1975 AIR 1590.

¹⁰ Art. 329A, Constitution of India, 1950 (inserted by the Constitution (Thirty-ninth Amendment) Act, 1975, omitted by the Constitution (Forty-fourth Amendment) Act, 1978).

India” in its annual report of the year 1983¹¹, recommended the earlier practice of synchronized elections, which is again followed up in the report of 1997¹⁵ by the Law Commission by advocating that separate election should not be followed as a rule, rather, should be treated as an exception. Further in its report of year 1999¹², The “Law Commission of India” appealed for the revival of the concept of one nation, one election. In the year 2015¹³, the Parliamentary Standing Committee suggested the same. The Law Commission prescribed “five Constitutional recommendations” in the year 2018¹⁴, for the execution of the idea of one nation, one election.

“PRESENT STATUS OF ELECTION IN INDIA”

Since the first election in the year 1950 there was the set precedent of one nation election till 1971 but the use of Article 356¹⁹ of Constitution of India to suspend state assemblies and preponed election in the year 1971 instead of 1972, since then elections for the “State Legislative Assemblies” and the Parliament of India have been conducted separately, generally at intervals of five years. Upon the expiration of the government's tenure or its premature dissolution, fresh elections are mandated. Consequently, elections for the Lok Sabha and State Assemblies are often held independently at different times. This recurrent and staggered electoral process imposes a substantial financial obligation on the government.

CONSTITUTIONAL AND LEGAL SCENARIO OF ELECTIONS IN INDIA

The “election laws of India” and legal framework in India is firmly established and backed by the “Constitution of India”, election laws in India primarily deriving its authority from the “Constitution of India”. These laws and legal framework govern the smooth conduction of elections for the “Lok Sabha (the lower house of Parliament) and the State Legislative Assemblies”. The Constitution prescribes key provisions to regulate the electoral process. Article 324¹⁵ vests the authority to supervise, direct, and control the conduct of elections in the “Election Commission of India”, thereby it is duty of “Election Commission of India” to

¹¹ Law Commission of India, “63rd Report on Electoral Reform” (1983).

¹⁵ Law Commission of India, “Report on Electoral Reforms” (1997).

¹² Law Commission of India, “170th Report on Reform of the Electoral Laws” (1999).

¹³ Law Commission of India, “255th Report on Electoral Disqualifications” (March, 2015).

¹⁴ Law Commission of India, “Draft Working Paper on Simultaneous Elections” (August, 2018).

¹⁹ The Constitution of India. art. 356.

¹⁵ The Constitution of India, art. 324.

²¹ The Constitution of India, art. 83.

ensure that these elections are conducted in a “free, fair, and transparent manner”. This provision is instrumental in upholding the “integrity of the electoral process”, as it empowers the “Election Commission of India” to implement and enforce necessary rules and regulations and also Article 83²¹ prescribes the tenure of the “Lok Sabha”, mandating a five-year term unless the

House is dissolved before the completion of its term, necessitating the conduct of general elections in India. Similarly also, Article 172¹⁶ establishes the tenure of the State Legislative Assemblies, which is also a five-year term unless dissolved before the completion of its term, necessitating the conduct of elections in the state. These constitutional provisions collectively serve as the foundation of laws and legal framework in India’s electoral process, ensuring the smooth periodic and organized systematic transition of political power.

Other than the Provisions mentioned in the Constitution of India, the electoral process is governed by legislations and rules that regulate the conduct of elections in India. Among these, the “Representation of the People Act, 1951”¹⁷, is a one of the most important legislations that provides a comprehensive legal framework for the electoral process and govern the election of Parliament “Lok Sabha” and the election of “state assemblies”. This Act also prescribes the “qualifications and disqualifications of voters and candidates” which are contesting in the election, smoothening the procedures for the conduct of elections, and defines electoral offenses, including bribery and undue influence. Furthermore, it establishes the legal framework for filing nominations, counting votes, and declaring election results.

The statutory legal framework regulating elections in India establishes a uniform, smooth and systematic electoral process in the India. However, the administration of elections remains intricate or complicate due to the large number electorate, the presence of large number of political parties, which include diverse regional considerations. Conducting elections at multiple levels national, state, and local level presents various challenges related to logistical coordination, financial expenditure, and resource allocation. Notwithstanding these complexities, the electoral commission of India has facilitated periodic and democratic(fair) elections since India's independence. Ongoing discussions on electoral reforms, including the

¹⁶ The Constitution of India, art. 172.

¹⁷ The Representation of the People Act 1951, Act No. 43 of 1951.

proposal for One Nation, One Election, seek to mitigate financial resource and enhance procedural efficiency in India.

VOICE OF “ONE NATION ONE ELECTION” IN INDIA

Stand of Government on “One Nation One Election”

Union government has appreciated the scheme of “One Nation One Election” mainly on the following grounds firstly it will reduce the cost of election, secondly the continuous cycle of election and moral code of conduct will be hindering development policy and scheme and lastly the movement of defense and other staff personnel also impaired the development and create the extra burden on the government the various leaders from government expresses their view on the favor of “One Nation One Election” scheme to express their support regarding implementation of “One Nation One Election” scheme.

In Delhi during address to NCC cadets, Hon’ble Prime Minister Shri Narendra Modi in which Prime Minister advised the young people to debate on the topics which are related to their future. And added that “frequent polls lead to an overwhelming cycle of campaigning and policy paralysis”¹⁸. Hon’ble Prime Minister quoted that developmental scheme is hindered because of frequent cycle of election in India which imposes moral code of conduct not to influence election and government cannot implement the development and welfare schemes.

Union Home Minister Mr. Amit Shah¹⁹, Former Law Minister Mr. Ravi Shankar Prasad²⁰, Chief Minister of Uttar Pradesh Yogi Adityanath²¹ and Sudhanshu Trivedi MP from Rajya Sabha²² presented their view on the “One Nation One Election” scheme in Hindi Interview which is translated into English as The concept of “One Nation, One Election” proposes the simultaneous conduct of elections to the “Lok Sabha, State Legislative Assemblies, and local

¹⁸ Focused Governance: “PM Modi's 'One Nation, One Election' Appeal To NCC Cadets, available at: <https://www.ndtv.com/India-news/focused-governance-pm-modis-one-nation-one-election-appeal-to-ncccadets-7572076>” (last visited on 14 February,2025).

¹⁹ India Today, “One Poll will Benefit India: Amit Shah On “One Nation One Election””, YouTube, 15 December 2024, <https://youtu.be/UdL8KBicxn4?si=jDY8ePhVghksCJFi>, (last visited on 12 February,2025).

²⁰ Live Hindustan, ““One Nation One Election””, YouTube, 19 September 2024, available at <https://youtu.be/S4B2CdOkdW0?si=wg7i2EO6aOMuGTEN>, (last visited on 14 February,2025).

²¹ ThePrint, “One Nation, One Election is necessary”, YouTube, 1 September 2023, <https://youtu.be/TBUjvFAErwI?si=0HV457XugXhkVAXI>.

²² Times Now Navbharat, “On “One Nation One Election”, Sudhanshu Trivedi said, 'It makes a mockery of the core principles of the Constitution...”, YouTube, 8 March 2025, <https://youtu.be/DagdywEsXEg?si=ftJpS2PR58aqgJR3>.

bodies” across the country at various level, and the primary objective of ensuring administrative efficiency, minimizing electoral expenditure, less hindrance in the implementation of development schemes and upholding democratic governance. Historically the “One Nation One Election” had implemented in the 1950s, this practice was disrupted due to constitutional exigencies but remains legally feasible with appropriate constitutional and statutory amendments under Article 83, Article 172, Article 324, and related provisions. Presently, the disrupted or change in original electoral cycle results in the frequent imposition of the Model Code of Conduct sometimes up to 243 days annually in certain states which causes hindering development, delaying policy implementation, and affecting the discharge of constitutional duties by elected governments for long period by government. If we observe the efficiency of simultaneous elections would reduce fiscal burdens election expenditure in recent years has surpassed ₹1.35 lakh crore and may rise to 1% in GDP. The proposal also alleviates burden from the law enforcement agencies and civil servants, especially school teachers, who are frequently diverted from their core duties to perform electoral duties. Conducting elections once every five years at various level of the government would surely focus on key responsibilities, thereby enhancing governance and service delivery. Politically, it ensures uniformity in election cycles and fosters stability by avoiding conducting multiple election. Constitutionally, it furthers the objective of free and fair elections, strengthens federalism, and promotes cooperative federalism at various level of government.

Union Government has decided to implement the legislative scheme of “One Nation One Election” to reduce the cost of election, prevent the policy paralysis during modal code of conduct, prevent the mobility of defense personnel, to prevent the frequent election and in the last to prevent the extra burden on the teacher which help in the smooth conduction of election. These are the various grounds which are presented by the government in support of “One Nation One Election”.

OPINION OF OPPOSITION ON THE “ONE NATION ONE ELECTION” SCHEME.

As the debate of “One Nation One Election” comes into the political arena the politician and members of ruling party and opposition party expresses their assent and dissent of opinion regarding “One Nation One Election” schrms. There is various concern raised by the opposition leader regarding the consequence of “One Nation One Election” in India, where the scope of regional Parties will be in danger while contesting election with national parties

the national issues of election will supersede the regional issues and the national parties shall always remain in edge, so there are various challenges marked by the opposition parties which might arise if “One Nation One Election” scheme is implemented in India.

Rahul Gandhi the member of Parliament and Leader of Opposition also opposed the Bill of “One Nation One Election” and said that “The idea of 'one nation, one election' is an attack on the Union and all its States,”²³ according to Mr. Gandhi the bill violate the federalism which is basic structure of Indian Constitution.

“Mamata Banerjee ²⁴ Chief Minister of West Bengal, Manish Tiwari Member of Parliament³¹, The Kalyan Banerjee the Member of Parliament²⁵ express their view on “One Nation One Election” . The recent clearance of bills by the Parliament one of which proposes a constitutional amendment to enable simultaneous elections to the Lok Sabha, State Legislative Assemblies and local government has sparked strong opposition of scheme of “One Nation One Election”. Opposition argue that the One Nation, One Election initiative is against the federal structure enshrined in the Constitution of India. The principle of “One Nation One Election”, which effectively seeks to align the tenure of State Legislatures with that of the Lok Sabha, is seen as a direct assault on the constitutional autonomy and equal status of States under Indian Constitution, which recognizes India as a Union of States. Under the federal scheme, State Legislatures are co-equal constituents of the Union and derive their mandate directly from the electorate of their respective states. Any legislative attempt to condition their term upon that of the parliament undermines the core principle of cooperative federalism. This align the tenure of state legislature with the parliament. Such provisions would violate the doctrine of separation of powers and the principle of decentralization, both intrinsic to the Constitution’s basic structure and federalism enshrined in the constitution. The autonomy of state safeguarded under the constitutional framework, cannot be subordinated

²³ Idea of 'one nation, one election' attack on Indian Union and all its states: Rahul Gandhi, The Economics Time, available at: <https://economictimes.indiatimes.com/news/politics-and-nation/idea-of-one-nation-one-electionattack-on-Indian-union-and-all-its-states-rahul-gandhi/articleshow/103324643.cms?from=mdr> (Last visited on February 14, 2025).

²⁴ Must Save Democracy “Mamata Banerjee, Opposition Slam '1 Nation, 1 Poll’”, NDTV, Dec 12, 2024, available at: <https://www.ndtv.com/India-news/one-nation-one-election-mamata-banerjee-must-save-Indiasdemocracy-mamata-opposition-slam-one-nation-one-poll-7232783> (Last visited on February 14, 2025) ³¹ Lok Sabha Debates on December 17, 2024 available at: <https://sansad.in/ls/debates/uncorrected> (last visited on February 22, 2025).

²⁵ Lok Sabha Debates on December 17, 2024 available at: <https://sansad.in/ls/debates/uncorrected> (last visited on February 22, 2025).

to the tenure of the Union Legislature as the Supreme Court has repeatedly held, any measure that disturbs the basic structure particularly federalism, separation of powers, and representative democracy would be constitutionally impermissible. Hence, the proposed bill, in its current form, is susceptible to judicial invalidation.

If we summarise the view of ruling party or government who is in favour of “One Nation One Election” is in opinion that it is cost effective, it will remove the hindrance in implementation of developmental scheme which becomes inoperative due to modal code of conduct of elections and one of the prominent reason was that it will reduce the mobility of defence personnel and other resources such as teacher which were sent on duty of election frequently because of multiple elections in the state and in the view of opposition they pointed out two major issues with “One Nation One Election” is that it is violation of democracy and federalism and it will completely wipe out the scope of local parties and will favour the national parties.

REPORT OF HIGH-LEVEL COMMITTEE ON “ONE NATION ONE ELECTION”

“In accordance with the Indian Democratic system, the idea of the synchronized elections initiated a significant debate which deals with the issues emanating from the current system of elections. The issues such as interruptions in administering, allotment of resources, obstacles in the continuation of schemes and policies etc. have paved the way for the simultaneous elections. For combating with the challenges posed by the periodic cycle of elections like obstruction to the government in working efficiently, and for focusing more on the development, synchronized elections seems to be most suitable alternative”²⁶ “The significant ground provided for the synchronized elections is the reduction in costs. Around 600 billion rupees have been spent on the general elections in the year 2019, which is most expensive in the world at that time. But those who are against it argued that the aim of reducing expenses could reverse its purpose”²⁷. A significant amount of resources is needed for the organization of EVMs, security personnel, and other election officers, as there are approximately 900 million voters. A cost of about 92.84 billion rupees have been forecasted by the Parliamentary Committee Report of 2015, for obtaining the new machines for voting, which would also be required to replace after few years and SY Quraishi, the former Chief

²⁶ One Nation, One Election, Available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2085082>, (Last visited on 17 March 2025).

²⁷ Ibid

Election Commissioner, shared his worries regarding the exorbitant expenses, He also argued that, these issues should have been discussed in the report of the Kovind Committee as it was one of the arguments given In the favour of the “One Nation One Election”. There are several benefits which have been indicated by the High-Level Committee under the supervision of the then President Ram Nath Kovind²⁸:

Enhanced Governance: “When the elections are held on repetitive mode, the attention of politicians is deviated from the administration. Thus, if elections would hold simultaneously, the governments will be able to concentrate on growth and development of policies for welfares, instead of preparing for elections constantly”.

Minimized Delay in Policy Implementation: “Welfare schemes and governance get disrupted throughout the time MCC is in force. There will be minimal disruptions and constant administration if elections would be held simultaneously”.

Optimum Utilization of Resources: “Synchronized elections will lead to reduction in deployments which would in turn help the officials to perform their functions without interruptions”.

Assistance for Local Parties: “This system of electoral cycle guarantees that the local issues are not neglected, rather these will be heard along with the central issues. Hence, the regional parties would be capable of handling local concerns, instead of being positioned at disadvantaged stage”.

Broader Political Avenues: “With synchronized elections, the political opportunities would be fairly allocated, which will in turn motivate more leaders to come out, leading to the political inclusivity”.

Emphasis Towards Growth and Development: “When the elections are held once only, the parties would be capable of focusing effectively towards administration and fulfilling the public demands, rather than getting entangled in campaigning for elections”.

Reduction on Expenditure: “There will be effective management of resources as the simultaneous elections would aid in minimizing the cost of manpower, security staffs, and logistical expenses, hence nurture and promote the growth economically”.

²⁸ Ibid

“One Nation One Election” presents a transformative opportunity for enhancing the overall governance and electoral structure of India. By holding elections at once, governments can remain focused on effective administration and policy-making without being repeatedly curtailed by the electoral process. This results in uninterrupted governance and timely implementation of welfare schemes, which are otherwise delayed. The reduction in multiple levels of elections would also mean better resource management, as the burden on security forces, manpower, and logistical arrangements would be significantly managed and curtailed as per current scenario, leading to substantial economic savings.

“LEGISLATIVE EFFORTS TO INTRODUCE THE “ONE NATION ONE ELECTION” IN INDIA”.

The Union Cabinet’s nod to the Ram Nath Kovind-led “high level committee’s” proposal for One Nation, One Election, initiating the process for simultaneous polls across the country, is a signal to detractors of the Narendra Modi government that it remains on course to implementing its agenda, the government was clear about pressing ahead despite the realization that the process is going to be “elaborate”. This legislative effort is coming in two ways first one is “Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024” secondly was to amend the bill to amend the “Government of Union Territories Act, 1963”, “Government of National Capital Territory of Delhi Act, 1991” and the “Jammu and Kashmir Reorganisation Act, 2019”.

“KEY PROVISIONS OF THE CONSTITUTION (ONE HUNDRED AND TWENTYNINTH AMENDMENT) BILL, 2024”

If this Bill is becoming an act without any further amendment, then it will change the existing electoral system completely but this system is not new to India as it was followed till the Year 1971 but the dissolution of House of People a Year before creates complexity in the simultaneous election process, following are the key provisions of this Constitution Amendment Bill 2024.

“ARTICLE 82A TO BE INSERTED IN THE INDIAN CONSTITUTION”

1. Under the clause 2 of the Article 82A it will be inserted that whatever written in the Article 82²⁹ and Article 173³⁷ the 82A shall prevail which says that the “term of all Legislative Assemblies constituted in any general election held after the appointed date and before the expiry of the full term of the House of the People shall come to an end on the expiry of the full term of the House of the People”.
2. Clause 4 defines the term “simultaneous elections shall mean general elections held for constituting the House of the People and all the Legislative Assemblies together”.
3. In the clause 5 of the Bill it is clearly stated that “If the Election Commission is of the opinion that the elections to any Legislative Assembly cannot be conducted along with the general election to the House of the People, it may make a recommendation to the President, to declare by an order, that the election to that Legislative Assembly may be conducted at a later date”.
4. And where clause 5 of article comes in to effect “then, notwithstanding anything in article 172³⁰, the full term of the Legislative Assembly shall end on same date as the end of the full term of the House of the People constituted in the general election”.

“Articles to be Amended by Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024”

Article 83: Duration of Houses of Parliament - This bill if become an act amended the Article 83³⁹ of the Indian Constitution and the proposed amendment introduces new provisions stating that if the Lok Sabha is dissolved before completing its full term, the New Lok Sabha elected after the election shall serve only for the remainder period of the unexpired term. Additionally, a new sub-clause is proposed to clarify that the newly constituted House following a mid-term election shall not be deemed too considered as a continuation of the previous House.

Amendment to Article 172: “Duration of State Legislatures” - Provisions inserted in the Article 83 are proposed for Article 172 as well, ensuring that if a State Legislature is dissolved before its full term, the New elected legislature shall serve only the remainder period of the

²⁹ The Constitution of India, art. 82.

³⁷ The Constitution of India, art 173.

³⁰ The Constitution of India, art 173.

³⁹ The Constitution of India, art. 83.

unexpired term. It is further clarified that the newly constituted State Legislature shall not be considered a continuation of the previous state legislature.

Amendment to Article 327³¹: Power of Parliament to Regulate Elections - The amendment seeks to insert the phrase "conduct of simultaneous elections" after the term "delimitation of constituencies," thereby expressly empowering Parliament to legislate on matters concerning the simultaneous of elections.

These were the major changes are enacted by the “Constitution (One Hundred and TwentyNinth Amendment) Bill, 2024” which constitute the simultaneous election at all level of the country and to mitigate the financial burden of the country.

Bill to amend the Election of Union Territory

Bill to Amend the “Government of Union Territories Act, 1963”, “Government of National Capital Territory of Delhi Act, 1991” and the “Jammu and Kashmir Reorganisation Act, 2019”.

Bill amended the “Section 5 of the Government of Union Territories Act, 1963” and named clause 1 and further continuation from clause 2 which addresses election of UT in India shall have full term of 5 Years from its first meeting

Clause 3 added that notwithstanding anything written in clause 2 the term of UT shall expire as the full term of House of people expires

Clause 4 added that if the legislative assembly dissolved earlier then the term of newly constituted legislative assembly shall be the unexpired term of previously dissolved assembly or for the reminder period only.

Clause 5 added that “Notwithstanding anything in sub-section (1), where the Legislative Assembly is dissolved sooner than the expiry of full term referred to in sub-section (1) or subsection (3), and a new Legislative Assembly is constituted pursuant to elections occasioned by such dissolution, then, such new Legislative Assembly unless sooner dissolved, shall continue for such period as is equal to the unexpired term of the immediately preceding Legislative Assembly and the expiration of this period shall operate as a dissolution of the Assembly”.

³¹ The Constitution of India, art 327.

Clause 6 added that “The Legislative Assembly constituted under sub-section (5) shall not be a continuation of the previous Legislative Assembly and all the consequences of dissolution shall apply to the Legislative Assembly referred to in sub-section (4)”.

Bill amended the “Section 5 of the Government of National Capital Territory of Delhi Act, 1991” and named clause 1 and further continuation from clause 2 which addresses election of UT in India shall have full term of 5 Years from its first meeting

Clause 3 added that notwithstanding anything written in clause 2 the term of UT shall expire as the full term of House of people expires

Clause 4 added that if the legislative assembly dissolved earlier then the term of newly constituted legislative assembly shall be the unexpired term of previously dissolved assembly or for the reminder period only.

Clause 5 added that “Notwithstanding anything in sub-section (1), where the Legislative Assembly is dissolved sooner than the expiry of full term referred to in sub-section (1) or subsection (3), and a new Legislative Assembly is constituted pursuant to elections occasioned by such dissolution, then, such new Legislative Assembly unless sooner dissolved, shall continue for such period as is equal to the unexpired term of the immediately preceding Legislative Assembly and the expiration of this period shall operate as a dissolution of the Assembly”.

Clause 6 added that “The Legislative Assembly constituted under sub-section (5) shall not be a continuation of the previous Legislative Assembly and all the consequences of dissolution shall apply to the Legislative Assembly referred to in sub-section (4)”.

Bill amended the “Section 17 of the Jammu and Kashmir Reorganisation Act, 2019” and named clause 1 and further continuation from clause 2 which addresses election of UT in India shall have full term of 5 Years from its first meeting

Clause 3 added that notwithstanding anything written in clause 2 the term of UT shall expire as the full term of House of people expires

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The government’s legislative effort to synchronize the election is one of the prominent effort and marked with the various reason related to cutting the cost of election and to protect the development scheme from the paralysis of the tenure of moral code of conduct of multiple election.

The “Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024”, along with amendments to key statutes of Union Territories, represents a significant legislative effort to implementation of the concept of One Nation, One Election in India. By inserting Article 82A³² and amending Articles 83³³, Articles 172³⁴, and Articles 327³⁵ of the Constitution, the Bill seeks to synchronize the terms of the Lok Sabha and all State and Union Territory legislatures and their elections as well. It proposes that newly elected assemblies formed after premature dissolutions of assembly will serve only the remainder of the original term. These provisions are similar to amendments which are incorporated in the “Government of Union Territories Act, 1963”, the “NCT of Delhi Act, 1991”, and the “Jammu and Kashmir Reorganisation Act, 2019”. The stated objective of these reforms is to reduce the financial and logistical burden of continuation of elections and ensure uninterrupted governance by avoiding repeated imposition of the Model Code of Conduct. While these reforms signal the government’s commitment to “One Nation One Election” and governance efficiency, this also

³² The Constitution of India, art. 82A (proposed).

³³ The Constitution of India, art. 83.

³⁴ The Constitution of India, art. 172.

³⁵ The Constitution of India, art. 327.

⁴⁵ The Constitution of India, art. 83.

raise important constitutional questions concerning federalism and democratic representation. Nonetheless, the legislative framework marks a bold step towards reshaping India's electoral process for greater coherence and long-term policy stability.

“CONSTITUTIONAL, LEGAL AND OTHER CHALLENGES RELATED ONE NATION ONE ELECTION POLICY”

“One Nation One Election” Policy is policy/Scheme that brings uniformity in the election of parliament of India and Legislative assemblies of the state to cut the cost of election and reduced wastage of Human resource during the frequent cycle of election at various level. This policy is under the challenged posed by the Constitution of India because to implement this policy in India, the amendment of Indian Constitution with special majority is necessary. “The Indian Constitution does not provide for a regular electoral cycle for simultaneous elections. According to Article 83⁴⁵(2) and the Indian Constitution’s Article 172³⁶(1), the Lok Sabha and Legislative Assemblies, respectively, have a five-year tenure unless they are dissolved sooner One Nation, One Election a Game-Changer in the Indian Electoral System, 2024)”³⁷.

“Nevertheless, the Constitution has no clear clause that forbids or requires simultaneous elections. A number of constitutional amendments would be necessary to implement One Nation, One Election”³⁸ “For instance, Article 356 of the Constitution, which authorizes President's Rule in states, and Article 85, which deals with the dissolution of the Lok Sabha, ought to be carefully reviewed in order to ensure the synchronization of elections. Additionally, it might be necessary to change the Representation of the People Act, 1951, which governs the conduct of elections in India. Coordinating elections for the State Legislative Assembly and Lower House will be greatly aided by the aforementioned amendments”³⁹.

³⁶ The Constitution of India, art. 172.

³⁷ Dr. Mangal Deo ,”One Nation One Election”: A Comprehensive Analysis (2024) 5(5) ShodhKosh: Journal of Visual and Performing Arts https://www.researchgate.net/publication/385843052_ONE_NATION_ONE_ELECTION_A_COMPREHENSIVE_ANALYSIS , Last visited on 10th April 2025.

³⁸ Arun Kumar Kaushik and Yugank Goyal, “The Desirability of “One Nation One Election” in India: Simultaneous Elections” 44 Journal of Social, Political and Economic Studies 114 (2019).

³⁹ Meenakshi Bansal, “The Concept of “One Nation One Election”: An Analysis from Indian Perspective” 22 Think India Journal, 2019

“Although the Constitution permits voluntary tenure reductions under the provision "unless sooner dissolved," the only method to prolong the term is to amend the Constitution. Aside from the already mentioned, the Constitution has no provisions extending the term of State Assemblies. Article 356 addresses the President's authority in the State and comes into play when a State's constitutional apparatus breaks down.”⁴⁰ And to amend the constitution Article 368 shall be invoked and clause 2 of Article 368 says “An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill”⁵¹. Which means by the constitution amendment act to make the law related to “One Nation One Election” should be passed with majority mark of two third members of parliament present and voting.

Current Status of NDA led government is that BJP and his allies’ parties in government has 293 Member of Parliament in Lok Sabha and 125 Member of Parliament in Rajya Sabha which passes the Majority test of 272 Member of Parliament but It is far away from the two third majority mark of 363 Member in Lok Sabha 163 in Rajya Sabha where government is far from this mark which means government need the support of opposition parties to pass the Constitutional Amendment Bill which is a tedious task because the voting on the Bill which was done on the 17 December 2024 before send the bill to the joint parliamentary committee, the result was 269 votes in favor and 198 against the Bill, this shows that BJP led NDA government doesn’t have majority mark which they expect and to pass the Bill they need support of opposition parties but in the voting regarding this bill the Indian National Congress led I.N.D.I. Alliance shows unity and strong opposition in the voting which is the constitutional challenge present before the government.

In *Kihoto Hollohan v. Zachilhu*, the Supreme Court held that “Democracy is a part of the basic structure of our Constitution, and rule of law and free and fair elections are basic

⁴⁰ Dr. Mangal Deo ,”One Nation One Election”: A Comprehensive Analysis (2024) 5(5) ShodhKosh: Journal of Visual and Performing Arts
https://www.researchgate.net/publication/385843052_ONE_NATION_ONE_ELECTION_A_COMPREHENSIVE_ANALYSIS , Last Visited on 10th April 2025. ⁵¹ The Constitution of India, art. 368.

features of democracy. One of the postulates of free and fair elections is provision for resolution of election disputes as also adjudication of disputes relating to subsequent disqualifications by an independent authority.”⁴¹ And “Holding concurrent elections would require a series of amendments to the Constitution, in provisions governing timing of elections, tenure of legislatures, and electoral procedures. These constitutional amendments would require approval by a two-thirds majority in both houses of Parliament, as well as ratification by at least half of India's states. Modifications would also be required in the laws relating to elections like the Representation of the People Act, 1951, to align election schedules”⁴². These are the challenges which is posed by the Constitution of India before amending the constitution and to implement the “One Nation One Election” the constitution along with various amendment in the election laws that are being amended which is being a challenge before the coalition government.

OTHER CHALLENGES RELATED TO “ONE NATION ONE ELECTION”

It is argued that the federalism will be impaired, the state government will be less responsible and the regional issues will be neglected if the elections will be held simultaneously. Substantial modifications in the Constitution and huge political consensus are required for synchronizing the elections. In a specified tenure, the government will have enormous power and less interested in performing its functions.

Federalism at Risk: The significant risk that associates with the simultaneous elections is that, the state autonomy will be reduced. Due to the federal nature of India's political system, the local concerns are raised during the election of the state. The probability that the state issues will be overshadowed by the central level problems is also high and the local parties will be neglected in case of synchronized elections.

Implementation and Managerial Issues: India is vast and diverse country with twenty-eight states and eight Union Territories consisting a huge population. Therefore, deploying numerous election officials and handling huge number of voters along with ensuring proper

⁴¹ Kihoto Hollohan v. Zachilhu, AIR 1993 SC 412.

⁴² Dr Sapna Chadah, “Theme Paper on One Nation, One Election”, Indian Institute of Public Administration 58 (2024).

security is an extremely tough task. The difficulties will be increased for the Election Commission and other authorities who are responsible for conducting elections.

Voter Exhaustion: Though it is often argued that holding simultaneous election will be convenient, however, it is probable that the voters will be in pressure and feel exhausted if they will be required to elect leaders for the national and state legislature simultaneously.

Implications on Diverse Nature of Political Structure: At present, the political structure of India consists of multiple parties at different levels. But if the elections are synchronized, the power may concentrate in hands of national level parties which will result in the degradation of the impact of parties at regional level.

Political Parties' Agreement: Gaining consensus among all the political parties in favour of the "One Nation One Election" is extremely challenging. This is so because, on one hand the national level parties may favour it as it could lead to consolidation of power in them, however, on the other hand, regional parties may oppose it, considering it as threat on them.⁴³

IMPACT OF "ONE NATION ONE ELECTION" ON FEDERALISM

"Founding fathers of the Indian Constitution describes India as Union of States and adopted the federal principle in which states does not have any right to secede. This concept of federalism named as Quasi federal system by Prof. K.C. Wheare, a Constitution need not fully adopt the federal premise in order to be said as federal. It is sufficient if the federal principle predominates in the Constitution, the distribution of powers and duties among the federal government and the state governments is the essence of federalism, a nation's constitution can be unitary, in which the government's powers are centralized, or federal, in which the powers of the government are divided between the Central and the State governments and Indian constitution adopted the federal principle in such a way that powers are divided between Centre and the States but it has some very strong unitary features embodied in it, such as, all the Residuary powers are with the Central Government under Article 248, and so on. In the Indian Constitution, where the relationship between the Center

⁴³ Dr. Mangal Deo, "One Nation One Election": A Comprehensive Analysis (2024) 5(5) ShodhKosh: Journal of Visual and Performing Arts
https://www.researchgate.net/publication/385843052_ONE_NATION_ONE_ELECTION_A_COMPREHENSIVE_ANALYSIS, Last Visited on 10th April 2025

and the states is extensively discussed, the notion of federalism is dealt with in detail. India's quasi-federal system of federalism grants states sovereignty in areas that exclusively covered by the State list, this structure of federalism is said to be one of the features of Basic Structure of Constitution. This was also reiterated in the case of *S.R. Bommai v. Union of India*⁴⁴, 1994⁴⁵.

“The constitutional principles of democracy and federalism will be utterly destroyed if this “One Nation, One Election” system is implemented. Because for implementing the same government has to either curtail or extent the duration of State Assemblies to synchronize it with the election of House of People and there must be dissolution of State Assemblies for the imposition of Presidential Rule and the synchronization will be affected if midterm elections are considered to be necessary after the implementation of ONOE, to solve this issue, they have come up with two options: Firstly If a ‘No Confidence motion’ is to be passed in the assembly, then it must be followed by a confidence motion in favour of another party and secondly Implementation of President’s Rule”⁴⁶.

“Which means that if Majority party loses support half way through, then the minority party would come to power. Or if the President’s rule to be implemented all the powers will automatically transfer to the Central government and Both these practices are serious threat to Federalism and Democracy, as people are not ruled by their elected representatives in both circumstances, Minority government rule or President’s rule both are forceful impositions on the people against their choices, and it affects the very scheme of Indian Federalism. It is an issue to be cautious about since the judiciary will invalidate any modification that contradicts the constitution's fundamental principles”⁴⁷.

“One nation-one election could have implications on the federal structure of India, like in the case of centralization of power by providing excess power to the central government, which later can cause political imbalances when the single party dominates both centers as well as the state, and further can also impact the state autonomy as each state has its own socio-political issues like conducting elections for the local bodies which includes municipalities,

⁴⁴ *S.R. Bommai v. Union of India*, 1994 AIR 1918

⁴⁵ Shami Soni, “One Nation- One Election and Federalism in India” 3 *The Academic* (2025).

⁴⁶ *Ibid.*

⁴⁷ *Supra* Note at 22.

panchayats, and other grassroots levels”⁴⁸. “This is seen as a major drawback because the elections for the local bodies are conducted by the state election commission provided under Article 243K of the constitution rather than the national election commission and in addition different states have their own systems for conducting the local body elections within their states”⁴⁹. “Furthermore, the duration of these elections is similar to the duration of the state assemblies, and no provisions are mentioned for preparing or dissolving these elections compared to the state assemblies in the constitution. Article 243E and Article 243U explicitly mention that the panchayat municipalities cannot be dissolved. That is how these reasons make it difficult to synchronize the elections of local levels to the state elections or of Lok Sabha”⁵⁰.

In conclusion The "One Nation, One Election" scheme aims to synchronize elections for the Lok Sabha and all State Legislative Assemblies in India. While it is argued that it is going to enhance the governance efficiency, movement of defence and teaching personnel and reduce election-related costs, but it raises concerns about its impact on India's federal structure there are various ground how it is going to affect the federalism.

State Autonomy Will be in Danger: - The Indian Constitution grants states the authority to dissolve their legislatures independently. “One Nation One Election” could limit this flexibility, as states might be forced to follow a fixed election schedule with the central election schedule. Which effectively violate the federal structure

Challenges to Article 356 & Governor's Role: - If a state government loses majority support mid-term, imposing President's Rule until the next election may become the norm of increasing central government control over states. Governors, appointed by the Centre, may play a greater role in managing state affairs, leading to concerns over excessive centralization.

The Role of Regional Parties – The role of regional parties contesting against the national parties is hard to survive they always have regional issues while the national parties have issues of national level which might overpower them in the election.

⁴⁸ Hema Gariya and Tisha Sharma, “One Nation – One Election” 4 International Journal of Advanced Legal Research (2025).

⁴⁹ Ibid.

⁵⁰ Supra Note at 25.

While “One Nation One Election” could bring administrative benefits, cost benefit, human resource benefit and many more but, it also poses significant risk to India’s federal structure by reducing state autonomy and increasing central influence. Given India’s diversity and the principle of cooperative federalism, any such reform would need extensive consultation and constitutional safeguards to ensure that federalism remains intact.

CONCLUSION

The idea of “One Nation, One Election” proposes a substantial transition in the procedure of election system of India, with the goal of cost savings, stabilized political structure, effective administration. This notion, which has both pros and cons, attempts for simultaneous elections of centre and state legislature, and hence, reducing disruptions in governance and mitigating financial burdens. Though, there are considerable advantages of reduced expenses and consistent policy implementation, but the potential risks of jeopardized federalism, lesser accountability of state governments and ignorance towards regional issues, overpowers it. It could result in political instability and hinder the nature of diverse politics. Nevertheless, the Indian government and the Law Commission professes for the simultaneous elections despite of its several limitations. The International outlook demonstrates the effective implementation of this concept in several nations along with citing both merits and demerits. The adoption of “one nation, one election” mandates significant constitutional amendments, emphasis on regional politics, and extensive discussion so that the foundational principles of Indian Democracy are not undermined. A balance between the effectiveness and sustaining the diverse political nature of India, and articulating the proposal in such manner that it has less drawbacks and more benefits, is requisite condition for its implementation.