ONE NATION ONE ELECTION

Amritesh Singh, O.P. Jindal Global University

ABSTRACT

The paper looks at the constitutional viability of converting India to the simultaneous Lok Sabha and State Legislative Assembly elections and explores whether such realignment actually is consistent with the federal form and doctrine of the basic structure of the Constitution. It outlines the elements of the constitutional amendments which would be necessary to such a shift, such as that of legislative tenure, of dissolution, of mid-term collapse and examines its interaction with Articles 83, 85, 172, 174, and with the Tenth Schedule.

The paper then evaluates the transitional frameworks, such as the single truncation of the terms of legislature and gradual or gradual mechanisms of alignment and assess whether institutional mechanisms such as constructive votes of no confidence, fixed-term protection and caretaker convention can maintain democratic accountability in an aligned electoral system.

Placing the analysis in the context of the recent reform agenda and ongoing parliamentary discussions of the government, the paper considers the alleged advantages of simultaneity in terms of the governmental costs such as lower election costs and decreased disruption linked with the implementation of the Model Code of Conduct, against the constitutional risks of state autonomy, electoral sensitivity, and representative diversity. It has ended by providing a legally viable route, the process of amendment of Article 368, state ratification, the enabling law, and constitutional protection needed to guarantee that any initiative towards simultaneous elections is not in conflict with the ethos of federal democratic ideals in India.

1. Introduction: The Need for a Constitutional Lens

The Supreme Court has been seen in recent years with a constitutional vigilance that spells out the integrity of the electoral democracy in India. The decision of the Court in the case of *Anoop Baranwal v. Union of India*[1] *and Association for Democratic Reforms v. Union of India*[2] are a good example of a judicial system that is highly aware of the fact that the stability of the democracy in India will eventually depend on the transparency, autonomy, and credibility of its electoral institutions. In the case of *Baranwal*[3], the Court has restated that an independent Election Commission is necessary to the constitutional frame, warning that even the slightest executive superiority can corrupt the democratic decision. The *ADR*[4] case, which invalidated the Electoral Bonds Scheme, went further by explaining that fairness in elections was not just a procedural rule, but it is based on the right of the people to political information, without which no substantial consent to democracy can be achieved. Combined these decisions represent a constitutional moment in which the Court has indicated that electoral reforms that modify the electoral landscape in the nation, be it administrative, fiscal or structural, ought to face heightened scrutiny.

It is against this background of new judicial sensitization to electoral integrity that the One Nation, One election (ONOE) proposal needs to be considered. The concept of One Nation, One Election (ONOE) is much more than streamlining of administration.[5] It aims at aligning the elections to the Lok Sabha and all the State Legislative Assemblies and this will change basic political rhythms throughout the Union. It is not a simple logistical restructuring but involves structural changes in the operations of Indian democracy, such as the schedule of elections and its dissolution of governments.

Given these implications, the question that ONOE has put forward is not a unidimensional question of desirability or efficiency, but a threefold constitutional and normative question[6], one, whether such simultaneous elections are normatively desirable, in the context of a diverse, multilayered democracy as India is; two, whether ONOE actually does increase the efficiency of the electoral process, in terms of costs, continuity of governance and administrative load;

[1] Anoop Baranwal v Union of India (2023) 6 SCC 161.
[2] Association for Democratic Reforms v Union of India (2024) 3 SCC 1.
[3] ibid
[4] ibid
[5] Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024 (India).
[6] Law Commission of India, *170th Report* (1999); Parliamentary Standing Committee, Report on Electoral Reforms (2015).

and three, most fundamentally, whether the Constitution itself authorizes such a restructuring of electoral periods within the constraints of the doctrine of basic structure.

Although the extent of the proposal is sweeping, it is not able to violate the confines of the Constitution and especially the doctrine of basic structure. Article 368 of the amending power of parliament is not limitless. In any case that it waters down federal autonomy, derides electoral accountability or disturbs the balance of democratic processes, it is prone to be declared unconstitutional. According to the historic decision of the case of *Kesavananda Bharati v. State of Kerala*[7], it is through its amending power that Parliament is not able to amend or annihilate any of the features of the Constitution that are considered to be of an essential nature. This decision has been the basis of the constitutional integrity of India as it has determined that democracy, federalism, separation of powers, the rule of law and the freedom and fair elections are all within an inviolable constitutional core. These very features are the ones which are directly accused in ONOE.

It projects modifications in Article 83, 85, 172, 174 and 356, and the terms, dissolution and operation of the legislatures and powers of the Centre as provided in President's Rule. The proposal might potentially change the behaviour of the Tenth Schedule that protects legislative stability by anti-defections rule[8]. Any amendment that aims at facilitating ONOE must be thus able to pass the basic construction test. This is a test that has been utilized by the Supreme court over decades. The Court in *Minerva Mills*[9] restated that the power of Parliament to amend is constrained in itself and could not be extended to kill essential characteristics. In *Indira Gandhi v. Raj Narain*[10] electoral integrity was further added to this list by declaring that legitimacy of elections is central to democracy. *S.R. Bommai v Union of India*[11] considered federalism as one of the fundamentals and limited the abuse of Article 356[12]. And *M. Nagaraj v. Union of India*[13] came up with two assessment instruments, which are the width test (is the amendment wider than the powers of the Parliament) and the identity test (is the amendment altering the very identity of the Constitution?). It is based on these precedents that ONOE should be regarded. It is important to note that when the Court emphasizes that these features constitute an

[7] Kesavananda Bharati v State of Kerala (1973) 4 SCC 225
[8] Constitution of India arts 83, 85, 172, 174, 356; Tenth Schedule.
[9] Minerva Mills Ltd v Union of India (1980) 3 SCC 625
[10] Indira Nehru Gandhi v Raj Narain (1975) 2 SCC 159
[11] S R Bommai v Union of India (1994) 3 SCC 1
[12] Constitution of India art 356.
[13] M Nagaraj v Union of India (2006) 8 SCC 212

inviolable constitutional core, it is emphasized that the basic structure doctrine is not only a descriptive doctrine but it is an active restriction on the power of Parliament to change the identity of the Constitution. With this jurisprudential context, it is not only advisable to review ONOE early on in its constitutional context, but it is also necessary.

To begin with, it prevents post-facto invalidation. Such a large scale of a reform, which would need alignment of 28 States and the Union, would entail great logistical organization, political alignment and probably a one-time restriction or extension of the terms of the legislation. When realized unconstitutional once enforced, it would be able to unwind a government that is presently in existence and cause institutional instability. The case of the 39th Amendment in *Indira Gandhi*[14] is a cautionary example: even the most politically pressing reforms may be overturned on the ground that they do not correspond to the fundamental framework. Second, initial questioning enhances superior policy formulation. As an example, when an outright synchronization is contrary to the Constitution, a model of gradual or incremental alignment can be discussed instead. The knowledge that a certain item is not going to be part of the deal, like the automatic extension of terms or the unlimited preservation of restrictions on dissolution, diverts reform into reforms that are acceptable under the constitution. Like all the fundamental changes, there should be a rise of the design rather than an effort in trying to override the constitutional boundaries. Therefore, it is quite urgent to state that prior to discussing the ways in which ONOE can be implemented, or what benefits it may bring, one should first consider whether it is legal in the Indian Constitution. It is only then that any plans of simultaneous elections can be pursued with a sense of meaning and within the law.

Part II of this paper thus engages in a micro constitutional and institutional dissection of the 129th Amendment Bill[15] of the Government- the most specific statement of the ONOE proposal which has been made so far. It looks at the re-structuring of the terms of the legislation, the doctrine of unexpired term and giving powers to the Election Commission and the restructuring of the dissolution framework, in the process implicitly reforming the functioning of Articles 85,174 and 356, as well as with the Tenth Schedule[16].

Part III then considers the suitability of these suggested reforms in the light of the basic structure doctrine, and whether such uniformity of election is compatible with the federal

[14] ibid
[15] Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024 (India).
[16] ibid

autonomy ensured in *S.R.Bommai*, the democratic and electoral integrity which is safeguarded in *Indira Gandhi v. Raj Narain*[17], and the identity-based boundaries of the statements of the identity of *Kesavananda Bharati*[18], *Minerva Mills*[19], and *Nagararaj*[20]. Combined, these two sections form the analytical basis of determining that ONOE is constitutionally allowable, and whether, and in what measure, so.

Part II - The Government's Model: BJP Proposal & Draft Amendment Bill

A. Background: Government Push and the Kovind Committee Model.

The idea of co-ordinated elections is by no means new, but has recently received a bold political timing in the hands of Bharatiya Janata Party (BJP). History has its roots in the formative post-independent years in India when concurrently the elections of the Lok Sabha and the State Legislative Assemblies were held in 1952, 1957, 1962 and 1967[21]. The loss of this synchronisation could be blamed to the political uncertainties of the late 60s where the state governments were dissolved at a tender age[22]. As a result, the staggered electoral cycles have occurred in states, a trend that has come to be institutionalised. Several expert bodies have questioned the desirability of the replacement of simultaneous elections. In its 170th Report (1999)[23], the Law Commission of India argued that frequent elections destabilize the continuity of governance and proposed a simplified electoral process. These issues were echoed by a Parliamentary Standing Committee (2015)[24] who referenced administrative burdens and repeated reliance on the Model Code of Conduct (MCC)[25] which halts development activity as elections take place. These reports appreciated the fact that simultaneous elections are possible with proper preparations and political goodwill, albeit the logistical constraints. Even though both the MCC and the 170th Report of the Law Commission discuss the governance upheavals posed by frequent elections, they have different views. The MCC works at the level of symptoms, which is a temporary restraint of regulations during elections, to be able to prevent

[17] ibid
[18] ibid
[19] ibid
[20] ibid
[21] Election Commission of India, *History of Elections in India* (ECI) https://eci.gov.in
[22] Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press 1999).
[23] Law Commission of India, *Reform of the Electoral Laws* (170th Report, 1999).
[24] Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, *Feasibility of Holding Simultaneous Elections to the House of the People and State Legislative Assemblies* (2015).
[25] Election Commission of India, *Model Code of Conduct for the Guidance of Political Parties and Candidates*.

the misuse of the state machinery. As contrasted, the 170th Report is focused on the structural factor, as it claims that the stepped-down electoral calendar of India creates a policy stalemate after policy stalemate. Although both of them recognize that frequent elections hamper the administration process, their approach to the matter differs significantly: the MCC handles the outcomes under the current system, whereas the 170th Report introduces a new electoral framework that would reduce the need to have repetitive restrictions. This difference makes a distinction between the One-Nation-One-Election (ONOE) initiative as a structural change instead of an administrative convenience. Based on these recommendations, the government led by the BJP formed a High-Level Committee[26] in September 2023 with ex-president Ram Nath Kovind as its chairman. The committee, charged with the evaluation of the legal, constitutional and logistical aspects of the implementation of ONOE, gave its March 2024 report[27] which supported a progressive synchronisation plan, beginning with the locking in of the Lok Sabha and State Legislative Assembly elections. Based on precedents in other countries, the report emphasized fiscal discipline, continuity in governance and policy paralysis reduction. The biggest result of this political and institutional pressure is the presentation of the Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024[28], in the Lok Sabha. The Bill also creates the legal framework needed to shift to a system of synchronised elections, with a proposed new Article 82A and revisions of Articles 83, 172 and 327[29] of the Constitution. The following section will discuss in-depth the architecture of this proposed amendment and see the changes to the text and its wider implications to the constitution.

B. Analysis of the Post-Amendment Bill.

1. Articles Proposed to be Amended and Inserted:

The 129th Amendment Bill[30] makes substantive amendments to the constitution, in particular provided Article 82A and an amendment of Articles 83, 172 and 327. Article 82A[31] is the main backbone of the ONOE framework, which defines the mechanics of coordinating elections. Articles 83 and 172, which govern the term of the Lok Sabha and the State Assemblies respectively, are recast to allow truncated terms in case of midterm dissolution. Article 327 is

[26] Government of India, Ministry of Law and Justice, Notification constituting High-Level Committee on Simultaneous Elections (September 2023).
[27] High-Level Committee on Simultaneous Elections, *Report on Simultaneous Elections* (March 2024).
[28] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024.
[29] Constitution of India arts 82A (proposed), 83, 172 and 327.
[30] ibid
[31] ibid

revised by giving the power to the Parliament to make laws so as to achieve ONOE. It is also noteworthy that the Bill does not change Articles 85 and 174, giving the President and Governors the authority to dissolve the Lok Sabha and State Assemblies, nor does it make any amendment to Article 356 (President Rule) or the Tenth Schedule (anti-defection). However, the reconstituted framework has an indirect influence on the practical implementation of such provisions in ONOE context, thus, being a subject of a close analytical study.

2. New Article 82A:

Article 82A defines the method of conducting coordinated elections. After the amendment has been enacted the President will subsequently give a notice of an appointed date, which will be the first sitting of the new Lok Sabha following the subsequent general election[32]. This date will be the base reference point of all the other succeeding election cycles. The importance of this so-called appointed date cannot be overestimated; it brings the whole electoral process of the country to one constitutional pivot. Article 82A, sub-clause, makes the provision that all State Assemblies shall have their terms truncated or their terms matched to the term of Lok Sabha. Article 82A(2)[33] requires that Assemblies that are elected after the appointed date shall cease to exist at the same time as the Lok Sabha regardless of the date in which they are constituted. This has a trickle down effect of having all the elections gradually converging towards one electoral cycle. Article 82A(3)[34] is a guideline that requires the Election Commission to hold general elections to both the Lok Sabha, and to all the State Assemblies together before the term of the full term elapses. This provision realises synchronisation and entrenches Election Commission supervisory power in the constitution. It also integrates Part XV of the Constitution concerned with elections with requisite alterations thus providing continuity of electoral standards. Clause 82A(4)[35] sets out a constitutional definition of the term sim simultaneous elections which includes general elections to Lok Sabha and State Assembly that occur at the same time. Such a formal definition shields ONOE against interpretive vagueness and raises it above a political ideal, to the constitutional ideal.

3. Mid-term Elections and the unexpired doctrine:

One of the most innovative parts of the Bill is the processing of mid-term dissolutions. Articles

[32] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024, proposed art 82A(1).
[33] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024, proposed art 82A(2).
[34] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024, proposed art 82A(3).
[35] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024, proposed art 82A(4).

83(4)-(7) and 172(3) -(5)[36] introduce the notion of an unexpired term. By this plan, when a Lok Sabha, or a State Assembly, is dissolved earlier than its full term, the next legislature will serve the rest of the original five-year term only. This arrangement makes dissolutions which come too soon less alluring as it reduces the political benefits that a new mandate would bring. Simultaneously, there can be covert democratic costs involved in the unexpired term architecture. The Bill restricts the time span of the ruling regime by ensuring that any successor government who comes in during a mid-term only has a partial leftover to rule, or that an opposition party, or a new coalition party which takes power by amending the constitution, will only have a partial left to the ruling party. Practically this might deter legitimate experimentation with coalitions, and undermine the corrective role of parliamentary politics in mid-cycle as new majorities are viewed as provisional one, which lacks enough time to pursue a serious agenda. In this way, the system has a tendency to shift the incentive to stability towards incumbents and larger parties, not by denying them the chance to take a different government, but by making the incentive to do so smaller in structure. This can also squeeze the time of the new entrants proving their governance capabilities before the next synchronized election hence, diminishing the democratic competition in the States as well as the Union. Clause 83(4)[37] provides that in the event of early dissolution of the Lok Sabha, the period until the date of the expiry would be the unspent term. The clause 83 (5)[38] makes sure that a newly elected Lok Sabha in such a situation will only serve that term which is not expired. Clause 83(6)[39] upholds the fact that, regardless of the creation of a new House, all the legal effects of dissolution such as reintroduction of bills still hold. Such elections are termed as mid- term elections in clause 83(7)[40]. Articles 172 (3)-(5)[41] are copies of this structure to State Assemblies. The reflection in the Union and State legislatures, as well as the constitutional symmetry is maintained. The question of whether such symmetry is normatively desirable or otherwise is controversial. On the one hand, the reflection of the solution in the case of unexpired terms on both sides of the Union and in the States would ensure the democratic consistency by enforcing an identical principle of the electoral consequences: dissolutions are not set back randomly, and voters at all levels of the country are subjected to a constitutional discipline cycle. This will help restrain opportunistic collapses and prevent more stable

[36] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024, proposed arts 83(4)–(7)and172(3)–(5).
[37] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024, proposed art 83(4).
[38] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024, proposed art 83(5).
[39] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024, proposed art 83(6).
[40] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024, proposed art 83(7).
[41] ibid

governance thus enhancing the quality of functionality of representative democracy. Conversely, the identical truncation may limit the space of democratic correction of states in the middle of the cycle, especially when the churn of coalitions or issue-specific re-alignments are not as national-level high. At least in this respect, the stability of symmetries can be encouraged, but at the same time the significance of mid-term political change- particularly to opposition coalitions who manage to amass a majority but are structurally limited to a brief, potentially performatively feeble, remainder term- is undermined. The design thus walks a thin line: on one side it is possible that it strengthens democracy as an orderly, predictable, system of periodic renewal but on the other side, it weakens democracy as a dynamic system of responsive, multi-level political responsiveness.

4. Flexibility Provisions and Deferred Elections.

Having the simultaneity as absolute always may not always be feasible, the drafters accept. Article 82A(5)[42] authorizes the Election Commission to suggest postponed election to certain State Assemblies in case of simultaneous elections which are impossible under extraordinary conditions. The President upon such recommendation may order that the election of the affected Assembly is to be postponed. This brings a practical exoneration of the inflexibility of synchronization. Article 82A(6)[43] however seals the loophole indicating that even in deferred elections the new Assembly shall only serve till the common expiration date of the Lok Sabha. This is to make sure that deviation will just be temporary and the synchronization will be reestablished again at the same general cycle. The adjusted period of the term should be announced by the Election Commission, which announces the postponed poll.

5. Lack of Extension of Terms and Compliance with Democratic Norms:

The fact that the Bill follows the five-year term limit of the legislatures is one of the most powerful constitutional aspects of the Bill[44]. It does not provide the politically and constitutionally dangerous path of an extension of the terms of the legislation that would suggest the breach of the fundamental structure doctrine. The Bill is loyal to the democratic concept of voters having their representatives elected by the electorate at the same frequency by requiring term curtailments as opposed to term extensions. This principle is stressed in the

[42] ibid
[43] ibid
[44] Constitution of India arts 83(2) and 172(1).

Statement of Objects and Reasons to the Bill[45], where it is said that the synchronization will not breach Article 83(2) or 172(1)[46] of the legislation that limits terms of the legislature to five years. The model therefore opts to operate within the constitutional parameters, instead of trampling them and this is one of the reasons why it stands strong against basic structure issues.

6. The Interaction with Articles 85, 174 and 356 and the Tenth Schedule:

Articles 85 and 174 (premature dissolution), Articles 356 (President Rule) and the Tenth Schedule[47] (anti-defection) are indirectly affected although not amended directly. The implication of such provisions changes in a synchronized structure:

- Dissolution under Articles 85 and 174[48] can no longer lead to new five-year obligations under Articles 85 and 174, any longer, which will discourage incentives on strategic dissolution.

- The Article 356[49] can be increasingly used to suspend states in an intermediate status until the next coordinated cycle, which is subject to federal overreaching.

- For example, the defections that destabilize governments can upset the synchronization, the Tenth Schedule acquires a new significance. Suggestions to implement some mechanisms like constructive no-confidence motions become even more topical, yet they are not an issue of the existing Bill.

Conclusively, the 129th Amendment Bill[50] is a comprehensive and systematic re-engineering of the electoral process in the constitution of India. The deconstruction of it displays both the ingenuity of structure and constitutional restraint. The Bill places it as a blueprint of ONOE by integrating the norms of synchronicity in the constitutional text and establishing obstacles to democratic backlash. But its real test must still be made- in the crevassation of doctrine of the basic structure and federal values, to which we now come.

[45] Constitution (One Hundred and Twenty-Ninth Amendment) Bill 2024, Statement of Objects and Reasons.
[46] ibid
[47] Constitution of India arts 85, 174 and 356 sch X.
[48] ibid
[49] ibid
[50] ibid

Part III - Basic Structure Doctrine to ONOE.

A. Federalism and Democracy as Basic Structure Values.

Although the federal structure of India is marked with a strong centralisation tendency, it still ensures the States with the constitutionally guaranteed autonomous field. The landmark case This understanding was also ratified in *S.R.Bommai v. Union of India*, which unquestionably believed that federalism and democracy are part and parcel of the basic structure of the Constitution. In that decision of nine judges, the Court pointed out that the States are not just administrative units of the Union but rather have a separate constitutional existence, have some elected governments and legislative power. The ruling took a special interest in the abuse of the Federal Rule of Article 356[51] the power of the President to declare President's Rule in the states and the Court decision affirmed that the pluralism of politics and independence of governments of the states are the bloodline of Indian federalism. The Court sounded a warning that a federal organization which existed only in form, but not in substance, was inconsistent with constitutionalism. Democracy, in its turn, is at the same time the cornerstone on which the Indian Republic is built. India is declared a sovereign socialist secular democratic republic by the Preamble[52], and the idea is stipulated throughout the Constitution in the first article up to the final one. In *Indira Nehru Gandhi v. Raj Narain*, when the 39th Amendment to the Constitution[53] tried to exempt the election of the Prime Minister of the Indian Republic, the Supreme Court quashed the provisions of the Amendment. The Court reasoned that the free and fair elections were not a procedural gimmick but a necessary item of the constitutional machinery. In specific reference to justice Y. V. Chandrachud, he noted that the validity of a democratic government solely relies on the safeness of the procedure wherein it is chosen. To tamper with or to put on hiatus that process, even by constitutional amendment, was to attack the very root of democracy. According to the Court, free and fair elections, separation of powers, judicial review and the rule of law were all inviolable aspects of the basic structure. The identical stream of reasoning is repeated in the subsequent decision in *Minerva Mills v. Union of India*[54], where the Court stated that even the Parliament has the power to amend the Constitution, there is a limitation on this power by the basic structure doctrine. The Court found that it is impossible to use the power to amend in a way that would annihilate or

[51] ibid
[52] Constitution of India, Preamble.
[53] Constitution (Thirty-Ninth Amendment) Act 1975.
[54] ibid

emasculate fundamental aspects of the Constitution such as democracy, the rule of law and federalism. Notably, the judicial review, the authority that courts have to determine the validity of legislative and executive actions, was again affirmed to be a component part of the fundamental framework because it is necessary to prevent the rise of any organ of the state to become supreme. In *M. Nagaraj v. Union of India*[55] the Court further developed the doctrine by the introduction of the identity test and the width test. The test of identity raises the question of whether a proposed amendment changes the basic identity of a fundamental feature whereas the width test asks whether an amendment obtrudes unreasonably on the territory of a feature. Even though the reservation policies were discussed by Nagaraj, its model has since been generalized into a wide variety of domains. The ruling identified that the characteristics of secularism, equality, federalism, and democracy are axiomatic, which are basic principles which cannot be defeated, even by the amending power. The Court made it clear that these features may still be subject to amendments provided they do not change their essence as to what they are all about. And having these doctrinal moorings in place, we come now to consider the ONOE proposal, not as it is, but as it comes in contact with these sheltered constitutional values.

B. Evaluating Federalism:

Does ONOE weaken State Autonomy? On the paper, the One Nation One Election (ONOE) scheme does not seem to upset the formal allocation of legislative or executive power between the Union and the States. It does not change the Seventh Schedule or an effort to unite or try to break up state governments. However, it also brings a radical change to one of the key issues, which is the date of elections and the term of state legislatures. According to the existing model, Article 172[56] allows five years of the existence of a state legislature beginning on the date of its first sitting, unless it is dissolved earlier. In this regard, the Constitution allows every state to decide on its electoral pace in accordance with their own political realities. ONOE would also alter this arrangement so that all state legislatures ended their term the same year as the Lok Sabha, meaning that a state might be forced to end its legislature earlier than five years to meet the national electoral schedule, say three years. This curtailment is no incidental or ad-hoc action; it is established in structure by the proposed amending of the constitution. It makes the electoral cycle that is now decentralized and state based a centrally scheduled

[55] ibid
[56] Constitution of India art 172.

calendar. It could be said that this reconfiguration does not only transform but also the identity of Indian federalism. The formal powers of the states are preserved, but the political autonomy, which makes them represent different electoral mandates, is watered down. When in 2029 a state assembly chosen in 2026 is forced to dissolve on mere reason that a synchronized national election is required, the mandate of the state electorate is then forced not by constitutional disintegration or popular dissatisfaction, but by a calendrical imperative. This is a grave issue considering the case of *Bommai* wherein the Court made a warning against doing away with states as administrative appendages of centre. Even though ONOE does not approve arbitrary dismissals, it brings a permanent mechanism, which binds the political processes within the states on the structural basis to the central ones. This may be argued to be a blow to the federal ideal that states are independent political units that possess their own representative legitimacy. Furthermore, when one considers the fact that there is a risk that the entire reliance may be linked to Article 356[57] to have President imposing the Rule in the states until synchronized elections become possible, one may add another level of concern. *Bommai*[58] was very critical of political abuse of President rule and believed that it should not be used as a means of convenience and also control. When ONOE indirectly induces the increased use of Article 356, to prevent mid-term elections which might interfere with synchronization, it is guilty of creating the very pathology it was attempting to remedy, as in the case with *Bommai*[59]. Nevertheless, it can be argued that ONOE is a simple redefinition of the federal cooperation in the election scheduling and it does so with the constitutional consent. The presence of such an amendment in Article 368(2)[60] that it must be ratified by at least half of the states can be construed as an acceptance on the part of the federal. Under this perspective, it is not central will imposition but rather the outcome of cooperative federalism. Power distribution does not change; it is just the beat of election responsibility that changes. However, this position has to grapple with the qualitative alteration of the experience of political rejuvenation as it is no longer an individual verdicts of states but a national exercise, which is informed by national concerns. There is one more issue that is related to the Rajya Sabha. As a member of the Council of states is elected by corresponding state legislature, there could be clustering of the terms of the Rajya Sabha in simultaneous elections. In case one party carries the day on the concurrent state elections, it may overpower the Rajya Sabha with an unequal representation

[57] ibid
[58] ibid
[59] ibid
[60] Constitution of India art 368(2).

in the chamber over a certain duration, thus limit the capacity of the chamber to reflect the diverse political interests of the different states. This fallout is not unconstitutional in itself, but highlights how the process of synchronization may indirectly weaken the federal representation. Finally, the issue is whether ONOE transforms the Indian federalism identity. Since the fundamental building block of state governments their legislative and executive authority, their constitutional existence, has not been overturned, a court can conclude that the amendment does not demolish but merely alters the federal principle. However, one cannot overlook the reality of practical centralization of the political processes which can be decisive when it comes to the test of identity.

C. Democratic Integrity Evaluation: Free and Fair Elections and Accountability:

It should be noted that under the Indian Constitution, democracy is not described solely by the periodical elections, it looks at meaningful, accountable and equitable electoral processes. One-Nation One-Election (ONOE) scheme does not apparently nullify or postpone elections exceeding the allowable five-year mark[61]. Instead, it entrenches a more established electoral renewal schedule. Democratic validity, however, does not end with the range of elections taking place but transcends to the qualitative dimension of elections, the contextual background of elections, and the implications thereof. The decision of *Indira Gandhi v. Raj Narain* [62]is a teacher that teaches that the electoral process has to be established, honest, fair and open to outside examination. The provision of ONOE does not override the judicial review; it leaves any election untouchable as this would negate the weaknesses witnessed in the 39th Amendment. This leaves the basic democratic processes of voting, representation and accountability intact structurally. However, ONOE can decrease the rate of political feedback. In the existing system, staggered elections would allow voters to express their dissatisfaction every now and then, thus putting other ruling parties on toes at the Centre and the States. This is an electoral accountability mechanism, which operates through the roller-coaster of the Indian democracy and is not specifically stipulated in the Constitution. ONOE may also help to shield governments (centrally and in the States) against the inertia of competing with the electorate and thereby undermine the incessant responsiveness that staggered elections imposes simply by combining all feedback loops into a single quinquennial event. Furthermore, concurrent elections have the risk of benefiting large national parties,

[61] Constitution of India arts 83(2), 172(1).
[62] ibid

disproportionately, because voters can likely confuse state and national concerns under one electoral banquet. Though this is not the explicit denial of free choice, it is arguably a distortion of the representative role of the state elections. It is not that votes are being fixed or disenfranchised, but that they are being watered down into the greater national patterns. The Court might be reluctant to invalidate an amendment on such political consequences, especially where strong empirical data are not available, but such circumstance demonstrates the point that a democratic fairness is procedural as well as contextual. Also, ONOE can indirectly redefine the parliamentary democracy. Although early dissolutions will be unlikely to engage with voter interest, as a mid-term election with ONOE does not restart the five-year clock, the amendment can also deter new mandates demanded by governments. This may reduce political elasticity, which is the Westminster system. However, the fundamental principle of executive accountability will be maintained as long as the no-confidence motion right is maintained and the governments are yet to be overthrown. Unlike the 39th Amendment[63] or other amendments in the history which were aimed at enfranchising the sitting regimes or evading judicial scrutiny, ONOE seems to acknowledge formal institutions of democracy. Opposition is not suppressed or the franchise curtailed or the constitutional checks avoided. But its effect on the vitality and elasticity of the democratic procedures could well provoke more philosophical concerns, which could be too deep to be subject to the scrutiny of the judiciary because that scrutiny usually focuses on structural but not sociological probity.

D. Judicial Review as a Structure of Basic Protection and Institutional Test of ONOE:

Judicial review should be considered as a third, silent, determinative basic-structure axis of any serious evaluation of ONOE. Although the 129th Amendment Bill may be justified as a coordination reform that keeps the electoral form and re-sequences electoral time, the basic-structure jurisprudence of the Supreme Court dictates that the core of the Constitution is safeguarded not only by the substantive restrictions on the amendment, but also through the institutional assurance that the court is able to place structural change in question in relation to the limits. That is why the post-Kesavananda series of cases is important to ONOE not just in the questions of federalism and democracy as an abstract concept. *Minerva Mills*[64] affirmed that Parliament cannot extend its power to make amendments to the extent of abolishing the

[63] ibid
[64] ibid

constitutional restrictions and that judicial review is the key to keeping the restriction within practical bounds. That is even more pointed in *L. Chandra Kumar v. Union of India*[65] where the Court decided that the power of judicial review invested in the Supreme Court by Article 32[66] and the High Courts by Articles 226/227[67] was a part of the basic structure of the Constitution and could not be disqualified. Provided ONOE is adopted on the basis of an amendment reconstructing the lifecycles of legislatures and indirectly modifying the incentives working in the field of dissolution and President Rule, the constitutional safety net is the possibility of constitutional courts to review both the design of the amendment and its downstream effects. The action is supported by *I.R.Coelho v. State of Tamil Nadu*[68] where the Court point out that constitutional devices could not be utilized to put statutes or structures past the upper limit of basic-structure review. Phrased differently, no well-constructed ONOE architecture can boast of being immune to a more profound examination of whether the aggregate of these three processes of synchronization, the use of unexpired-term legislatures, and the use of deferral mechanisms remakes the federal-democratic identity of the Constitution. In this respect, ONOE would most probably create two overlapping types of litigation. First, a direct basic structure objection to the amendment itself, which states that concerted electoral time and truncated mandates might modify the experience autonomy of State democracies without redistribution of legislative competences. Second, a series of working issues that challenge the performance of constitutional actors in the new ecosystem, e.g. whether the Election Commission suggestions of deferring polls, or the use of Article 356[69] by the executives to fill in the inconvenient electoral gaps, is consistent with the protection against central overreach that constitutional adjudication has traditionally ensured. The recent openness of the judiciary to institutional issues in the electoral field, such as the mechanism of appointing the members of the Election Commission in the case of *Anoop Baranwal*[70] and the constitutional unconstitutionality of the electoral bonds scheme also do not favour the view that the Court is institutionally reticent to high-stakes electoral structure when constitutional values are at issue.

[65] *L Chandra Kumar v Union of India* (1997) 3 SCC 261.
[66] Constitution of India art 32.
[67] Constitution of India arts 226, 227.
[68] *I R Coelho v State of Tamil Nadu* (2007) 2 SCC 1.
[69] ibid
[70] ibid

That said, ONOE's scale would impose an unusual institutional load. A simultaneous national-state election calendar compresses disputes that would otherwise be staggered across years into a tighter window, potentially increasing urgency for expedited hearings and heightening the risk that interim relief could ripple across multiple jurisdictions. Yet the constitutional system is not without tools: the Court's own basic-structure methodology, the High Courts' supervisory jurisdiction, and the discipline of election-law doctrines can enable courts to separate challenges to the validity of the framework from challenges to particular instances of its application. The lesson from the judicial-review cases is straightforward: if ONOE is to be constitutionally defensible, its architects must assume- not resist- robust judicial oversight as part of the amendment's constitutional ecology.

Conclusion

ONOE presents a serious and complex case under the basic structure doctrine. It does not dismantle federalism or democracy outright but reconfigures how these values are operationalized. The proposal retains the existence and authority of state governments, preserves the electoral franchise, and maintains the accountability of the executive to the legislature. However, it shifts the dynamics of political renewal and dilutes certain practical features - staggered elections, frequent feedback, differentiated electoral mandates - that have come to define Indian democracy and federalism in practice.

A court reviewing ONOE would likely assess whether these changes cross the line from permissible amendment to identity-destroying transformation. That determination will rest not only on doctrinal tests but also on the court's sensitivity to how deeply electoral timing structures the experience of federal democracy. If ONOE is passed with broad consensus, and implemented without undermining other constitutional provisions, it may well survive a basic structure challenge. But it will stand as one of the most far-reaching reimagining of India's political architecture in decades, and its passage will almost certainly invite constitutional scrutiny.

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