



# One Nation, One Election: A Constitutional Analysis of its Implications on Federalism and Democratic Governance in India

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## ABSTRACT:

The idea of "One Nation, One Election" in India aims to hold simultaneous elections in union and state. This could reduce election expenses, minimize disruptions to governance, and improve overall administration. This paper explores how this concept might affect India's federal system, state government's autonomy, and representation of regional interests and upholding it.

It delves into the historical perspective of One nation One election in India. The paper builds upon the Law Commission of India's reports, specifically the 170th Report (1999) and 255th Report (2015), to offer a deeper understanding of simultaneous elections from a constitutional and legal perspective. Additionally, the paper incorporates the recommendations from the NITI Aayog and the recent 2024 report of High level committee which was approved by the Union Cabinet which is yet to be proposed in the parliament, insights from Multiple groups, including political parties, civil society organizations, and academic institutions to provide a comprehensive analysis.

The analysis reveals that while "One Nation, One Election" offers several benefits and advantages, its implementation poses significant challenges, including the need for constitutional amendments, the potential erosion of state autonomy, and The paper aims to highlight the need for slow and steady approach, Finding a mutual solution, and constitutional reforms to ensure that the implementation of "One Nation, One Election" strengthens India's federal structure and democratic governance.

**Keywords:** Election Reform, Federal System, State Autonomy, Constitutional Amendments, Democratic Governance, Law Commission of India.

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## INTRODUCTION:

The concept of "One Nation, One Election" has been a subject of considerable debate in India's political and constitutional landscape. The idea aims to merge the electoral process across the country, conducting simultaneous elections for the Lok Sabha, state assemblies, and local bodies. Proponents argue that this would streamline governance, reduce election-related expenses, and address the issue of political instability caused by frequent elections. However, critics raise concerns about its impact on federalism, democratic representation, and the autonomy of states. This paper explores the constitutional implications of "One Nation, One Election" through an analysis of various Law Commission reports, statements by political leaders, and the potential consequences on India's federal structure and democratic governance and also analyzing the High level Committee Report.

## METHOD OF STUDY:

To study this topic, we will take a detailed look at information from various sources. We'll focus on important documents like law commission reports and data from experts, especially regarding how the One Nation, One Election (ONOE) policy can affect the way states operate and how democracy works in India. Key documents will include reports from the 170th and 255th Law Commissions and the NITI Aayog report on simultaneous elections. This study will dig into historical practices and opinions from political leaders and experts. Our main topics will be state rights, the challenges of implementing this idea, and different ways to handle elections effectively, like clustering elections. We will organize our findings into themes and make recommendations to ensure we respect both state autonomy and democratic values.

## OBJECTIVES OF THE STUDY:

- To examine the recommendations of law commissions, the NITI Aayog, and other constitutional bodies regarding ONOE and related electoral reforms.
- To assess the potential challenges posed by ONOE, including its impact on state autonomy, electoral synchronization, and democratic representation.
- To explore the perspectives of political leaders, constitutional experts, and stakeholders on the feasibility and implications of ONOE.
- To propose alternative mechanisms, such as clustered elections, to address concerns related to ONOE while preserving federal principles.
- To provide recommendations for a balanced electoral system that ensures both administrative efficiency and adherence to democratic and constitutional values.

## BACKGROUND OF SIMULTANEOUS ELECTIONS:

The idea of simultaneous elections is not a new concept in India. It was practiced in the period following India's independence from British rule. The introduction of direct elections in India, granting voting rights to a segment of the population, began in 1919 with the implementation of diarchy governance under the

Government of India Act, 1919, also known as the Montague-Chelmsford Reforms. Over time, this system evolved, and after independence, the first general elections for the House of the People and the State Legislative Assemblies were conducted simultaneously in 1951-52.

In the initial decade (1951-1960), simultaneous elections were the norm, resulting in just two elections during that period. However, this pattern was disrupted in the following decade (1961-1970), when five states Bihar, Kerala, Punjab, Uttar Pradesh, and West Bengal experienced three elections each. The situation worsened in the subsequent decade (1971-1980), as fourteen states held elections three times, with Odisha standing out for conducting elections four times in the same period.

The heightened frequency of elections seen in the 1970s began to decline in the following decades. Between 1981 and 1990, five states had elections three times, while in the 1991-2000 period, two states faced the same frequency. During these years, the House of the People saw four elections. This not only marked an increase in election frequency but also led to the loss of synchronization in holding elections.

#### **ANALYSIS OF VARIOUS REPORTS:**

#### **ELECTION COMMISSION OF INDIA'S FIRST ANNUAL REPORT, (1983)<sup>3</sup>:**

The Election Commission proposed simultaneous elections for the House of the People and State Legislative Assemblies for several reasons:

1. Significant cost savings by avoiding repeated administrative and operational expenses.
2. Efficiency in revising electoral rolls simultaneously rather than conducting separate operations.
3. Reducing the disruption caused by deploying millions of personnel, including civilians and police, for extended periods.
4. Preventing the slowdown of government functions and development work during elections.
5. Avoiding administrative pressures and large-scale transfers before election notifications.
6. Minimizing the duplication of expenses by candidates and political parties, which can strain resources and impact money supply.
7. Simplifying the dismantling of temporary election infrastructure, making transitions smoother.

The Commission emphasized that simultaneous elections had worked well before 1967 and recommended evolving a system, if not through legislation, then by convention. However, the Government of India decided not to proceed with the proposal at that time.

<sup>3</sup> Election Commission of India First Annual Report, 1983; Department of Legal Affairs, Ministry of Law & Justice

## 170<sup>th</sup> LAW COMMISSION REPORT, 1999<sup>4</sup>:

The 170th Law Commission Report (1999) provides a structured and phased strategy to implement "One Nation, One Election" by synchronizing Lok Sabha and State Assembly elections. The report suggests advancing or curtailing the election schedules of various states to align them with Lok Sabha elections. For instance, elections for the Legislative Assemblies of Karnataka, Sikkim, Andhra Pradesh, Maharashtra, Manipur, Orissa, Arunachal Pradesh, and Bihar could be advanced and held alongside Lok Sabha elections. Subsequently, elections in Haryana, Tamil Nadu, Kerala, West Bengal, Puducherry, and Assam (due in May-June 2001) and Punjab and Uttar Pradesh (due in March 2002) could be synchronized for a uniform election schedule.

The report recommends amending the Constitution to legally facilitate term adjustments for Assemblies, ensuring that advancing or extending terms does not undermine democratic principles. To address fairness, it suggests withholding results of elections in states where terms have not expired, ensuring no political advantage or disadvantage arises due to timing.

This approach aims to reduce the economic burden of frequent elections and enhance governance efficiency but raises critical challenges:

- **Democratic Legitimacy:** Altering Assembly terms may face resistance from state governments and political parties.
- **Federal Concerns:** The synchronization process could centralize electoral processes, potentially infringing on state autonomy.
- **Operational Challenges:** Conducting simultaneous elections for Lok Sabha and all State Assemblies across a vast and diverse country like India demands significant logistical and administrative resources.

The recommendations emphasize the importance of political consensus, coordination among stakeholders (Election Commission, central, and state governments), and public trust. While the roadmap is detailed, achieving simultaneous elections requires balancing operational feasibility, federal principles, and democratic integrity.

## THE NATIONAL COMMISSION TO REVIEW THE WORK OF CONSTITUTION, 2002<sup>5</sup>:

India's political instability is largely attributed to its adoption of the Westminster model of First-Past-The-Post (FPTP) system, which is better suited for a two-party system or a limited number of parties.<sup>1</sup> However, India's highly fragmented society has led to numerous political parties, often based on narrow identities rather than distinct ideologies. This has resulted in difficulties in forming stable governments, as coalition arrangements often require compromises that may undermine governance quality.

<sup>4</sup> 170th Report of Law Commission of India, 1999; Department of Legal Affairs

<sup>5</sup> Report of National Commission to Review the Working of the Constitution (NCRWC), 2002; Ministry of Law & Justice

To address these issues, the Law Commission of India has suggested radical reforms, including holding a single election every five years for Lok Sabha and state assemblies, and disqualifying parties that secure less than 5% of valid votes. Other proposals include encouraging a two-party system, discouraging independent candidates, and permitting only recognized national parties to contest national elections. Some scholars even suggest increasing the percentage of votes required for national party recognition from 6% to 10%.

#### **79<sup>th</sup> REPORT OF PARLIMENTARY STANDING COMMITTEE<sup>6</sup>:**

The 79th Report explores the feasibility of holding simultaneous elections to the Lok Sabha and State Legislative Assemblies to reduce the financial, administrative, and governance burdens caused by frequent elections. The report highlights the stabilizing impact of the Anti-Defection Act, 1985, and the S.R. Bommai case (1994)<sup>7</sup>, which have curtailed arbitrary dissolution of assemblies. It proposes a phased approach, starting with synchronizing some elections in 2016 and advancing others in 2019, using provisions of the Representation of the People Act, 1951<sup>8</sup>, to hold elections six months early if needed. Drawing inspiration from the UK's Fixed-Term Parliaments Act, 2011, it suggests clear conditions for early elections and consolidating by-elections annually. The report acknowledges the challenges of achieving political consensus, especially in diverse states, but underscores the economic and governance benefits of simultaneous elections. While immediate implementation is impractical, the report emphasizes gradual progress toward this goal to streamline India's democratic processes.

#### **NITI AAYOG REPORT, 2017<sup>9</sup>:**

The NITI Aayog report emphasizes the need for simultaneous elections to address the challenges posed by frequent elections, such as disruption of governance, suspension of development programs due to the Model Code of Conduct, excessive expenditure, and the strain on resources. It argues that simultaneous elections would enable governments to focus on long-term transformative policies rather than being in perpetual campaign mode. While acknowledging criticisms about feasibility and potential threats to democracy, the report proposes workable solutions, including necessary constitutional and statutory amendments, stakeholder consensus, and phased implementation. It underscores that simultaneous elections would reduce disruptions, enhance governance, and create a stable environment for reforms. The report concludes that despite short-term challenges, this structural reform is crucial for improving India's governance and aligning it with the country's aspirations for rapid and sustainable development.

#### **HIGH LEVEL COMMITTEE REPORT OF 2024<sup>10</sup>:**

There are two steps given by the high level committee for the implementation of the Simultaneous Elections. The synchronising of the elections of House of people and the State legislative assemblies must be done first and then the elections for the local bodies such as Municipalities and Panchayats.

<sup>6</sup> 79th Report of Parliamentary Standing Committee, 2015, Ministry of Law & Justice

<sup>7</sup> S.R. Bommai vs. Union of India; 1994 (3) SCC 1

<sup>8</sup> Representation of People Act, 1951

<sup>9</sup> Working Paper of NITI AAYOG, 2017; Ministry of Law & Justice

<sup>10</sup> The High Level Committee on Simultaneous Election Report, 2024; Ministry of Law and Justice

**Achieving and Maintaining Synchronization:**

A one-time measure will synchronize the terms of the Lok Sabha and all State Assemblies. This will be considered as the General Election. After a General Election, if the elected house is dissolved unexpectedly, such as by a no-confidence motion, mid-term elections may be held for the dissolved house. However, its tenure will align with the next General Election. This means that the house elected due to the dissolution will remain in power only for the unexpired term, after which elections will be synchronized with the General Election. For instance, in a hypothetical situation, if the Lok Sabha elections scheduled for 2029 turn out to be Simultaneous Elections, resulting in the formation of a new House of the People and new state legislative assemblies, and if, within the next three years, the Tamil Nadu State Assembly is dissolved in 2032, a government will be formed for the remaining two years of the five-year term, referred to as the unexpired term. Subsequently, in 2034, the Tamil Nadu State Assembly will again face elections alongside the General Elections of 2034.

**Extraordinary Circumstances:**

If simultaneous elections for a State Assembly cannot occur with the General Election due to extraordinary circumstances, the Election Commission may recommend deferring the State Assembly election. However, its term will still end along with the Lok Sabha's full term.

**Elections for Municipalities and Panchayats:**

In the second step, elections for Municipalities and Panchayats will be coordinated with those for the House of the People and State Legislative Assemblies. This will ensure that Municipal and Panchayat elections take place within 100 days of the elections for the House of the People and State Legislative Assemblies.

**Implementation via Constitutional Amendments:**

The proposed constitutional amendments aim to establish a framework for implementing simultaneous elections in India.

Articles 83 and 172 address the duration of the House of the People and State Legislative Assemblies, introducing the concept of a "full term" and an "unexpired term" for houses dissolved before their term ends. Mid-term elections for dissolved houses will allow them to serve only for the remaining period until synchronized elections occur.

Article 82A empowers the President to notify the commencement of simultaneous elections, ensuring that all assemblies elected after this date conclude with the term of the House of the People. State ratification is not required for this Constitutional Amendment.

The Election Commission is authorized to oversee simultaneous elections, with provisions for exceptions and deferred elections if necessary. Article 324A enables Parliament to align Panchayat and Municipality elections with General Elections by adjusting their terms.

Articles 325 and 327 propose a unified electoral roll for all elections and mandate its preparation by the Election Commission in collaboration with State Election Commissions. For this the ratification by the states is considered necessary.

Section 5 of the Government of National Capital Territory of Delhi Act, 1991 (GNCTD, 1991), Section 5 of the Government of Union Territories Act, 1963 (GUT Act, 1963), Section 17 of the Jammu and Kashmir Reorganisation Act, 2019 were also amended.

These changes collectively aim to streamline the electoral process, enhance governance, and reduce the frequency of elections.

### **Amend the Constitution to introduce concepts like:**

**Full Term:** A fixed five-year period for the House of the People (Lok Sabha) or State Assemblies, starting from their first meeting.

**General Election:** Held after the expiry of a full term.

**Mid-Term Election:** Conducted if a House is dissolved early, but the new House's term lasts only for the remaining unexpired period.

**Unexpired Term:** The remaining period from early dissolution to the end of the original five-year term.

### **Transition Mechanism:**

Post-amendment, all Assemblies constituted after the "Appointed Date" will have terms ending with the Lok Sabha's full term, enabling simultaneous elections going forward.

This process ensures that synchronization is achieved and maintained while accommodating extraordinary situations through mid-term elections or deferred Assembly elections.

### **Single Electoral roll:**

The supervision of elections is handled by two constitutional authorities: (i) the Election Commission of India (ECI), responsible for conducting elections to both Houses of Parliament, State Legislative Assemblies and Councils, as well as the offices of the President and Vice-President, and (ii) the State Election Commissions (SECs), which oversee elections for local bodies. The preparation of electoral rolls by SECs is governed by respective state laws. While some state laws allow SECs to create their own electoral rolls, others mandate the use of the electoral roll prepared by the ECI.

The Committee suggested adopting a unified electoral roll to minimize redundancy and duplication across various agencies. It recommended empowering the ECI to develop this single electoral roll in coordination with the SECs. Implementing this proposal would require a constitutional amendment, which, in turn, would need ratification by at least half of the states.

**Addressing logistical requirements:**

The committee emphasizes the need for meticulous logistical planning by the Election Commission of India, working in coordination with State Election Commissions, to facilitate the seamless execution of simultaneous elections.

**THE NEED FOR ONE NATION ONE ELECTION:****A Promise of Stability:**

It is believed that the conduct of separate elections or the multiplicity of elections reduces political parties' focus on governance, as they are constantly preparing for the next electoral challenge. For instance, after the 2019 general elections, only seven states held their respective State Assembly elections, while two other states, including the capital Delhi, conducted their elections in 2020. Additionally, five more states hold elections within the next two years in 2021, and this irregular cycle continues.

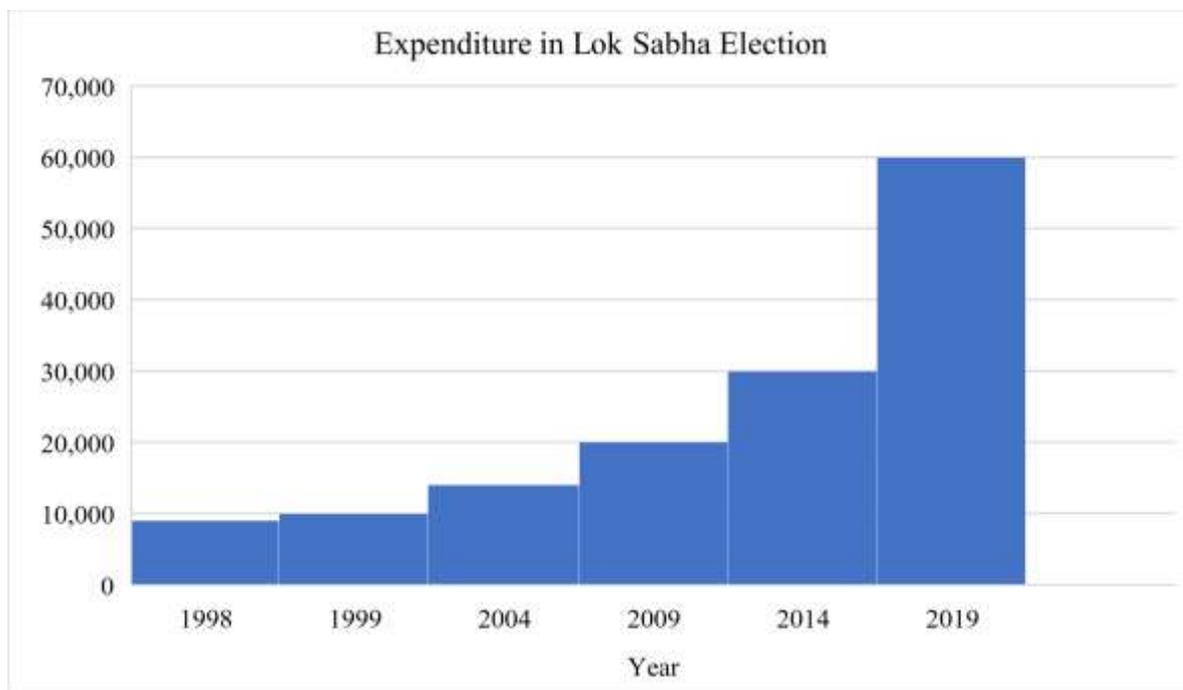
In India, an average of 4 to 5 State Legislative Assembly elections are conducted annually. Between 2019 and 2023, India had one general election and 30 State Legislative Assembly elections. As a result, political parties are compelled to focus on their next opportunity to win seats, devoting their time and resources to campaigning rather than implementing policies for the benefit of the people. The frequent electoral cycles disrupt governance, causing uncertainty and instability as governments navigate electoral politics and coalition dynamics. Synchronizing Union and State Legislature elections ensures a unified mandate, promoting policy coherence and continuity in governance. A concentrated electoral environment could encourage political parties to prioritize meaningful discussions on policies instead of relying on divisive rhetoric solely to mobilize voters.

**To bring down Policy Paralysis:**

Recently with at least 5-6 state elections taking place every year, political parties, including ministers, are often in a state of 'permanent campaign' mode. This constant focus on electoral strategies diverts attention from effective governance and policy-making, leading to what is commonly referred to as policy paralysis. Additionally, the enforcement of the Model Code of Conduct during elections, which typically lasts 45-60 days, restricts the announcement of new schemes or projects by both the central and state governments. This recurring disruption further hampers long-term governance and decision-making processes. Simultaneous elections aim to mitigate such policy paralysis by reducing the frequency of elections, thereby allowing governments to focus more consistently on development and governance.

**Lessen the Financial Burden:****Reduction in Repeated Expenditures:**

Simultaneous elections would eliminate the need for multiple rounds of election-related logistics such as ballot preparation, Electronic Voting Machines (EVMs), and voter education drives, reducing overall costs.



#### Less Frequent Campaigns:

Political parties and candidates spend significantly on election campaigns (rallies, advertisements, etc.). A single consolidated campaign for all elections would lower the financial burden on parties and individual candidates.

#### Administrative Resources:

During elections, large sections of the administrative workforce are diverted to election duties. Merging would free up these resources for other governance priorities, reducing indirect economic losses.

#### Reduced Disruption to Business Activities:

Frequent elections often disrupt local economies, especially in rural and semi-urban areas, due to logistical arrangements and security measures. A single election cycle would minimize such disruptions, supporting consistent economic activity.

#### Example

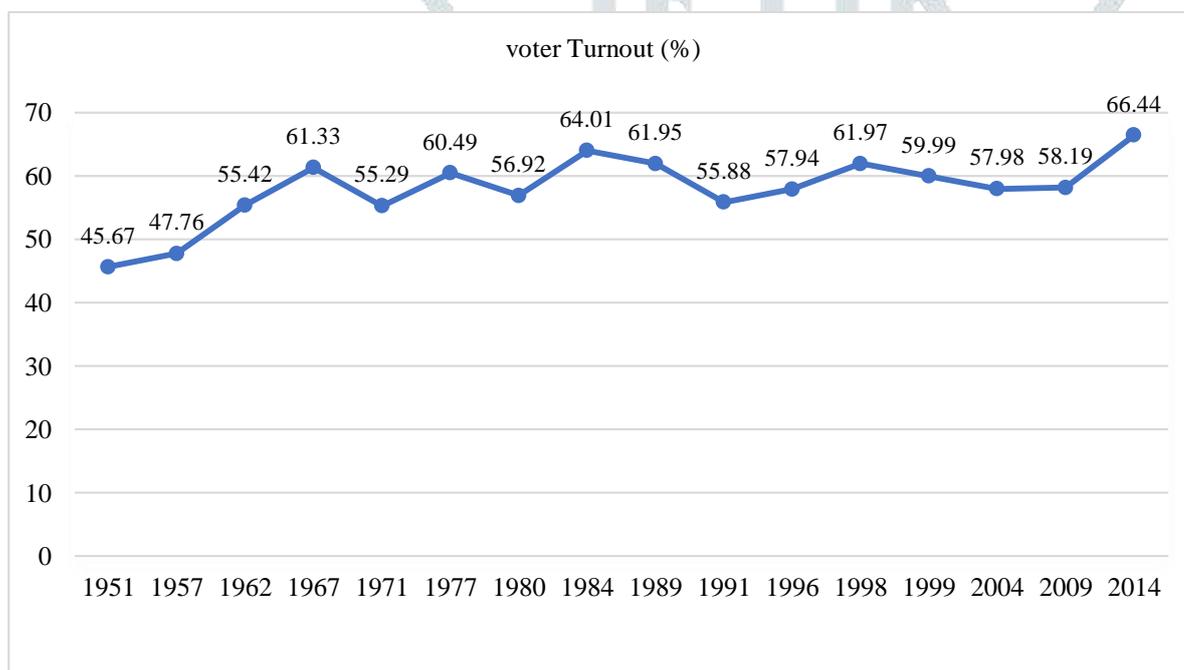
The 2019 Lok Sabha elections reportedly cost ₹60,000 crores (including government and party expenditures). By simultaneous elections, India could save a significant portion of such recurring expenses incurred every few years.

#### **Reduces the Ruckus Created by Political Parties:**

Political parties adopt different approaches during elections, often leading to ruckus and chaos, especially during frequent elections. Adopting simultaneous elections in India could help reduce this turmoil, providing less scope for vote bank politics. This change would allow the people of the country to experience democracy in a more peaceful environment.

## Enhancing Voter Turnout :

Despite the importance of exercising their democratic right to vote, voter participation in India still needs improvement. A study conducted by Prof. Csaba Nikolenyi of Concordia University, Quebec, Canada, highlighted that holding separate elections in India discourages citizen participation. As they have to vote in several elections, they choose to participate in some of them, by this practice they need not visit the poll often to cast their Simultaneous elections have the potential to increase the participation of voters was found by the Study conducted by Shackle and Dandoy. For example, in 1999, states like Karnataka, Maharashtra, and Andhra Pradesh saw an increase of nearly 11.5% in voter turnout during elections. Similarly, in 1977, simultaneous elections in Kerala, conducted alongside national elections, resulted in a significant 20% rise in voter participation. Additionally, data shows that northeastern states also experienced a boost in voter turnout during simultaneous elections, with Arunachal Pradesh witnessing a 21% increase and Assam a 17% rise. This data highlights the positive influence of simultaneous elections on voter engagement, even in remote regions, underscoring its importance.



## IMPACT ON FEDERALISM AND DEMOCRACY:

### Diversity of the States is undermined:

Each state in India has its unique diversity, and the country is renowned for its concept of Unity in Diversity. The Indian Constitution does not directly guarantee federalism but is instead based on a quasi-federal structure. The term "Union" mentioned in the Constitution refers to the union of several states. Just as each culture and diversity is celebrated, elections in each state should be conducted according to the specific needs and diversity of that state. This cannot be achieved through simultaneous elections.

Although the idea of simultaneous elections may appear to be a mere synchronization of election timelines, conducting both the elections for the House of the People and the State Legislative Assemblies together

significantly impacts regional parties. There is a high risk that national parties would dominate, given their greater resources and reach, making it nearly impossible for regional parties to compete effectively. Over time, this could lead to the erosion of regional parties, diminishing the diversity of political voices and electoral competition in India.

Federalism, as part of the Basic Structure doctrine, goes beyond merely distributing law-making powers between the Union and the states, as stated in the High-Level Committee Report. The essence of federalism lies in the cooperative functioning of the Union and the states to address the needs of every citizen and ensure the equitable distribution of resources across the country without discrimination.

### **Confusion in the minds of the Voters:**

The foundation of a successful democracy lies in the active participation of its people, who exercise their fundamental duty of voting. In India, voting is a right granted to every citizen above the age of 18. Voters have the right to decide whom to vote for and are entitled to know about the candidates, including their background, assets, and other details, before casting their vote as per the *Union of India v Association for Democratic Reforms and Another*<sup>11</sup> and *People's Union for Civil Liberties (PUCL) v Union of India*<sup>12</sup>. The rationale behind this judgment itself is to give voters all possible means to exercise their right to vote efficiently.

But with the implementation of Simultaneous Elections in India, there is a significant risk that voters may struggle to understand the candidates contesting in both elections, differentiate their manifestos, and evaluate their policy proposals. This could hinder rational decision-making and make it difficult for voters to make two crucial decisions for democracy at the same time. As a result, there is a high likelihood of voters casting their votes for the same party at both the Union and state levels. This issue is compounded by the fact that regional parties often lack the resources and reach of national parties, putting them at a disadvantage.

A study conducted by the Centre for the Study of Developing Societies (CSDS) observed that in 24 out of 31 assembly elections held concurrently with Lok Sabha elections between 1989 and 2014, major political parties secured a similar share of votes in both elections. Additionally, an analysis of 2,600 assembly segments across 16 elections showed that in 77% of instances, voters preferred the same party in both elections when they were conducted simultaneously.<sup>13</sup>

### **Centralisation of Authority:**

Under Article 174, the governor can prorogue or dissolve a state assembly on the chief minister's recommendation. However, with fixed terms under the ONOE policy, this power could be restricted, raising concerns about whether chief ministers would retain the authority to dissolve assemblies mid-term. Political analyst Balveer Arora highlights that this shift could undermine federalism by transferring the power to dissolve assemblies to the Prime Minister. Regional parties, which often dissolve assemblies to seek fresh

<sup>11</sup> *Union of India v Association for Democratic Reforms and Another*(2002) 5 SCC 294

<sup>12</sup> *Union for Civil Liberties (PUCL) v Union of India* 2 SCR 1136

<sup>13</sup> Centre for the Study of Developing Societies Report, 2014

mandates, would lose this flexibility, shifting the balance of power toward the Centre. This consolidation could allow the Centre to decide state governance during political instability, weakening state autonomy.

### **The interest of the Regional Parties and issues of the State undermined:**

If the elections for the Union and the States are synchronized, regional interests will be undermined. The implementation of simultaneous elections would allow national issues to overshadow regional issues. As a result, policy proposals would primarily focus on the key issues of the nation. However, it must be understood that justice to the citizens is best served when their problems are addressed at the root level. The problems of the people must be prioritized at the state level, which is a fundamental principle of India's federalist nature within its system of government. The case *Indira Gandhi v Raj Narain*<sup>14</sup> case, clearly held that the Free and fair elections are integral to democracy. If the interest of the regional parties are compromised it would undermine the free and fair elections. The main concern of most parties regarding simultaneous elections is this issue of state-level problems which may be left unresolved. Scholars observe that the focus on major issues during election campaigns is driven by the 'charisma' of national leaders, which often transforms the election into a presidential-style contest.

### **VIEWS OF THE VARIOUS PARTIES ON THIS ONOE:**

- The ruling BJP and its allies are advocating for simultaneous elections, a proposal opposed by several opposition parties. The Congress has reiterated its disapproval of the "One Nation, One Election" (ONOE) concept, accusing the government of diverting attention from issues concerning electoral integrity. Congress General Secretary Jairam Ramesh stated that the Union Cabinet has cleared the ONOE bill but reaffirmed the party's unchanged stance as expressed by its President Mallikarjun Kharge on January 17, 2024<sup>15</sup>. In his earlier letter, Kharge opposed the idea, asserting that it must be abandoned to protect democracy and called for dissolving the high-level committee on ONOE.
- West Bengal Chief Minister Mamata Banerjee criticized the proposal as unconstitutional and anti-federal, claiming it disregards concerns raised by experts and opposition leaders. She described it as an authoritarian move undermining democracy and federalism and vowed to oppose it in Parliament. Samajwadi Party chief Akhilesh Yadav also condemned the idea, calling it impractical and undemocratic. He warned it could disrupt governance and insult public opinion if elected governments are dissolved prematurely to align with simultaneous polls.
- Tamil Nadu Chief Minister MK Stalin echoed similar sentiments, describing ONOE as a threat to regional voices and federalism. He urged collective resistance to protect Indian democracy<sup>16</sup>. Punjab Chief Minister Bhagwant Mann questioned why the government isn't focusing on "one nation, one education" or healthcare for all, suggesting the ONOE agenda prioritizes central power over regional

<sup>14</sup> *Indira Gandhi vs Raj Narain* 1975 AIR 1590

<sup>15</sup> Indian National Congress Report

<sup>16</sup> DMK press Report

issues. Mann also criticized inconsistencies in recent elections, such as holding assembly polls in multiple phases.

- Jharkhand Chief Minister Hemant Soren described ONOE as part of the BJP's agenda and emphasized the need to assess its implications. He noted that simultaneous elections were held post-independence but questioned their feasibility now.
- The BRS in Telangana expressed the need for clarity before deciding on the matter. Although it supported the idea in 2017, BRS leader K.T. Rama Rao emphasized the importance of federalism and regional representation, indicating cautious observation of the bill's details.
- Former Chief Election Commissioner SY Quraishi raised concerns about the practicality and constitutional requirements of the proposal. He stressed the need for parliamentary debate and pointed out the complexities of amending the Constitution, which requires majority support in both houses and ratification by half the states.
- The High-Level Committee's recommendation to conduct simultaneous elections for the Lok Sabha and state assemblies, along with the proposed steps to implement this, represents a regressive move that could lead to a centralized and authoritarian political system in the country. These changes would also increase the Central government's authority over the states. For example, the proposal includes shortening the tenures of state assemblies whose elections are held after the 18th Lok Sabha elections to align them with the 19th Lok Sabha polls. This could result in assemblies in states like West Bengal, Assam, Tamil Nadu, and Kerala, elected in 2026, having their terms cut by more than half. The CPI(M) reaffirms its strong opposition to the 'One Nation, One Election' concept and calls on all democratic organizations and citizens to stand together against this undemocratic proposal<sup>17</sup>.

## ANALYSIS OF THE HIGH COMMITTEE REPORT:

### Ratification by the States:

Article 368 of the Constitution provides for the amendment of its provisions. To safeguard the interests of the states, the proviso to this article specifies certain conditions where ratification by 50% of the states is required. However, the high-level committee report stated that amendments to Articles 83, 172, and 82A do not require ratification by half of the states, as it is not constitutionally mandated. Nonetheless, granting states the opportunity to ratify such amendments could serve as a means of ensuring their representation in an important democratic process. Federalism, being the main point of opposition to the implementation of simultaneous elections, should have been considered by the committee that presented the report. The committee ought to have included the requirement of ratification by the states, as it aligns with the principles

<sup>17</sup>Communist Party of India press Report, Sep 19 2024

of cooperative federalism, even if it is not a constitutional mandate. This idea has been advocated by various political groups, who view it as a good political design or example.

The Opposition has emphasized that state ratification is essential for the implementation of the 'One Nation, One Election' (ONOE) policy, while the government has tasked the Kovind-led committee with examining whether this requirement is indeed necessary. Criticizing the approach, MP John Brittas remarked, "The very premise of the committee's investigation is anti-federal. Why is the government questioning the need for ratification by 50 percent of the states?" Hausing argues: "Since ONOE is likely to have a direct impact on federalism, it is essential to mandate ratification by two-thirds of the states, as established by the Supreme Court in the Keshavananda Bharati case of 1973<sup>18</sup>."

So it could be seen that the basis of this question even to be asked to that Committee and to decide upon it is irrelevant because the question itself is considered to be undermining federalism.

### **Chance of Autocracy by fixing the tenure:**

The proposed fixed tenure for the Houses has drawn significant criticism. Currently, the Constitution allows flexibility in the terms of the Lok Sabha and state assemblies. If a government loses confidence through a no-confidence motion or defeat on a Money Bill and no alternative government can be formed, the legislature is dissolved, triggering mid-term elections. Articles 83(2) and 172(1) stipulate a five-year term unless dissolved earlier, with no extension beyond five years. Fixing a strict five-year term, as proposed in the bill, undermines democratic principles and federalism. It disregards the people's will, risks autocracy, and could lead to exploitation by limiting electoral accountability.

### **Complexities in Holding Mid term Elections:**

Simultaneous Lok Sabha and state assembly elections would require changes to the constitutional framework ensuring government accountability to the legislature. Under Article 75(3), the Council of Ministers remains in office only while enjoying the Lok Sabha's confidence, and a loss of confidence can lead to fresh elections. Similarly, Article 164(1) ensures state executives are accountable to their assemblies, which can dissolve a government through a no-confidence motion. If a government loses its majority mid-term, holding fresh elections for that legislature alone disrupts the synchronized cycle, while delaying elections undermines democratic accountability and the people's right to elect a new government promptly.

The High-level committee suggested that mid-term elections, in case of any discrepancies, should only be conducted until the completion of the full five-year term. However, this proposal raises potential complications. For instance, if a government is dissolved just 2 or 3 months before the end of its five-year term, it creates uncertainty about the next steps. Should elections be conducted to form a new government for such a short period, only to synchronize again with the general elections shortly thereafter? Or should the state function without an elected government during this interim period? While such scenarios may seem

<sup>18</sup> Keshavananda Bharati Vs State of Kerala, 1973 4 SCC 225

rare, the dissolution of a legislature before simultaneous elections, though uncommon, has occurred in the past. Therefore, the proposed framework must be robust enough to address any situation that may arise.

### **The Elections would reduce the cost is a myth:**

The notion of cost-efficiency is questionable: The Election Commission estimates that procuring new Electronic Voting Machines (EVMs) every 15 years would cost around ₹10,000 crore. Conducting simultaneous elections would require a minimum of 46,75,100 Ballot Units (BUs), 33,63,300 Counting Units (CUs), and 36,62,600 Voter-Verifiable Paper Audit Trails (VVPATs). Additionally, the Election Commission has emphasized the need for more polling and security personnel, expanded storage facilities for EVMs, and an increased number of vehicles to manage the logistics effectively.

### **Public opinion and opinion of parties:**

Public opinion on this significant decision has not been widely sought. Of the 62 political parties approached for their responses, 47 provided feedback. Among them, nearly 15 parties expressed disagreement. However, the reasons behind their opposition have not been thoroughly analyzed, and the committee has not adequately provided supportive or empirical evidence to justify the implementation of simultaneous elections.

### **Lack of Procedural clarity:**

The report does not clearly address the procedural aspects of implementing simultaneous elections. It primarily focuses on highlighting the positives of the concept. However, the core issue of how it will be practically implemented remains unanswered. For example, while synchronizing the elections of both the Lok Sabha and Rajya Sabha is proposed as the first step, the potential consequences arising from states losing 1 or 2 years of their term have been overlooked. Such states are likely to resist or oppose this process. The committee has not taken any steps to address this initial synchronization issue, leaving it entirely ignored in the report.

### **Lack of security forces:**

Implementing the ONOE mechanism would require deploying a significant number of security forces. While addressing policy paralysis might be considered an advantage, diverting such a large contingent of Indian security personnel from their primary duty of defense is a concerning drawback. Moreover, India currently lacks the necessary strength of forces to carry out this function effectively. So this implementation is Highly impossible.

## **RECOMMENDATIONS:**

**The proposal by the High-level Committee must have some changes to Implement it practically without any hurdles if it is passed in the Parliament:**

- The High-Level Committee has suggested implementing elections in a phased manner. According to the proposal, Lok Sabha and state assembly elections would be conducted together in the first phase, followed by municipality and panchayat elections within 100 days. Additionally, the general elections

for the Lok Sabha and state assemblies could be organized in 3 or 4 phases by grouping states into 3 or 4 groups, with elections for both Lok Sabha and state assemblies conducted simultaneously within each group.

- The logistical preparations required for conducting simultaneous elections are extensive. However, the High-Level Committee has not provided a detailed plan to address these requirements. A dedicated committee comprising experts in the field should be established to develop a comprehensive plan, including a complete assessment of the necessary resources, such as the production and deployment of EVM machines and other related needs.
- Nationwide campaigns can be made to educate voters about this concept of one nation one election to make them understand how to differentiate between the policies of the national and regional interests to reduce the concentration of votes to a Single party.
- Ratification by the states for passing the amendment bill concerning Lok Sabha and state assembly elections should be ensured to minimize opposition from the states and address regional issues. This is particularly important because the committee has not adequately addressed the impact on states whose terms are affected by the proposed changes to the election timeline, especially at the first synchronisation
- A more effective measure should be introduced when a legislative house is dissolved, as the proposed concept of an unexpired term could lead to greater confusion and increased centralization of power. Allowing the Prime Minister to exercise the power of dissolution in such cases should be avoided. Instead, this authority should remain with the Chief Minister, who can recommend dissolution to the Governor.

### **AN ALTERNATIVE SOLUTION TO SIMULTANEOUS ELECTIONS: BUNDLED ELECTIONS:**

An alternative to the ONOE policy and the current system of elections, suggested by many experts, is the concept of bundled elections. This approach is similar to simultaneous elections but does not involve conducting them simultaneously across the entire country. Instead, states would be grouped into clusters, and elections would be held simultaneously for each cluster at regular intervals. This system aims to reduce election fatigue, synchronize the electoral process, and ensure a stronger focus on regional interests. This formation of clusters may be based on the geographical position or the interests of such regions etc....

### **CONCLUSION:**

One Nation, One Election offers promising solutions to reduce election costs, streamline governance, and enhance voter participation. However, its impact on India's federal structure and democratic ethos raises critical concerns. Challenges like the dilution of state autonomy, lack of security personnel on duty, and potential governance instability require careful consideration. Law Commission reports and expert analyses and a strong legal framework. Balancing efficiency is added

While ONOE has transformative potential, its success depends on cautious execution that upholds India's constitutional principles and diversity.

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