



One Nation, One Election: A Constitutional and Federal Dilemma in India's Electoral Landscape

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INTRODUCTION

A Constitution must be a dwelling Constitution to encounter the drift of time and tailor to the evolving requisites of genesis. Howbeit, simultaneously, there are few integral standards, a fundamental structure on which the complete subjects and questions of the constitution rests. The Indian Constitution is certainly a living Constitution and has propitiously acknowledged to the varying demands of the public. The procedure of understanding to the circumstances which cannot be foreseen by the constitution creator is under way.

India has the phenomenal democracies in the sphere. Elections are inviolable to the notion of democracy. Election is the foundation on which the epic structure of the democracy rests. It should be in a place to reiterate the needs of the population in the Legislature. This entails the election laws to be effective and systematic. Law, by its disposition must be altered frequently or contrarily it either defaults to accomplish its duties or it itself diminishes. Indian election mechanism confronted the insufficiency of reforms for ages. While electoral mechanisms in majority of the countries habitually modernized as per the requirements of the people. In India, nevertheless, there has been an acute inadequacy in the electoral law which has significantly exaggerated the efficacy of our democratic rule. In the autonomous India, primarily, elections for parliament and state legislature took place concurrently. It happens to be the methodical and convenient form of elections which had its own edge. The contemporary parliamentary system has been unflagging for almost 70 years. An improvisation to refine the system is essential to build democracy more sturdy, considering confining expenditure, to conducting simultaneous elections, disclosing the results for amalgamation of booths as an alternative of constituencies. Due to copious grounds, Indian polity is timeless in elections. Baring a limited unprecedented years within a

standard 5-year period of the Lok Sabha, the nation witnesses, on regular, elections to about 5-7 years State Assemblies annually.¹ Correspondingly, a significant need to develop a system to terminate this constant election has been communicated by several participants for a few times now.

At present, “One Nation, One Election” is just a stereotype rather than a reality along with one or two attempts formerly. In essence this concept basically conceives a mechanism where elections to the State Assemblies as well a Lok Sabha will have to be held concurrently. To construct this concept and attempt previously a standard legislature will have to reorganize the laws associated with elections and the government requires reconstructing the Indian election pattern.

HISTORICAL BACKGROUND OF ONE NATION ONE ELECTION

The postulation of “One Nation, One Election” has its inception in India’s untimely electoral annals. Amidst the initial general elections in 1951-1952, elections for the Lok Sabha And all State Legislative Assemblies were operated concurrently. This custom persisted for the succeeding three elections held in 1957, 1962 and 1967. Per contra, the calibration of election pattern was interrupted in 1968 and 1969 when multiple State Assemblies were precociously dissipated due to political variability. In 1970, the Lok Sabha itself was disbanded before accomplishing its tenure, heading to mid-term elections in 1971. These occurrences prompted a drift away from the exercise of simultaneous elections. In the succeeding decades, elections started transpiring commonly and at distinct times due to differing annulling timelines for the Lok Sabha and State Assemblies. This prompted a shattered electoral pattern, leading to a circumstance where elections were conducted almost every year in one portion of the county or another. The concept of simultaneous elections was reconsidered in 1999 when the Law Commission of India suggested in its 170th report, indicating a need to coordinate election pattern to lower costs and upgrade governance². The concept acquired eminence in contemporary years, with foreman like Prime Minister Narendra Modi endorsing for its execution to address matters such as governance disruption, high electoral costs and recurrent impedance of the Model Code of Conduct. The Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice aided this notion in 2015 and the Election Commission of India voiced its preparedness to direct simultaneous elections if a political unanimity was attained. Committees and studies have scrutinised the legal, constitutional and in logistical challenges associated with implementing “One Nation, One Election,” creating it a continual subject of discussion in India’s political and electoral reforms.

¹ Bibek Debroy and Kishore Desai , Analysis of Simultaneous Elections published: The, “What”, “Why” and “How” , NITI Aayog, 3-4 (2015)

² Law Commission of India, https://lawcommissionofindia.nic.in/cat_electoral_reforms/ (last visited Dec 12, 2024).

CONSTITUTIONAL ANALYSIS

Article 83(3) of the Indian Constitution grants that the House of People shall extend for five years from the date of its first meeting.³ An identical provision beneath article 172(1) grants for five-year tenure from the date of its initial gathering for the state legislatures.⁴ For the government to regulate simultaneous elections, lifetime of the State Legislative assemblies must be either abridged or prolonged which is not prevalent under the existing provisions in ordinary cause. Article 85(2)(b) of the Indian Constitution provides the authority to dissolve the Lok Sabha to the President.⁵ A corresponding provision for dissolution of state legislative assemblies by the governor is granted under Article 174(2)(b).⁶ In the setting of the functioning provisions in the Constitution, it is not feasible to conduct simultaneous elections. The execution will demand comprehensive amendments to respective articles of the Constitution. Article 123 grants the President the authority to promulgate the ordinances when either House of Parliament is not a part of the session or the President realises that a swift action is necessary.⁷ The ordinance has the similar force as law passed by the Parliament, however it must be ratified by Parliament within six weeks of the subsequent session. Article 123 could be appropriate for the emergency procedure if there's a necessity to swiftly alter laws to permit the synchronization of elections. The Representation of the People Act, 1951 brings about the regulations and provisions for regulating elections in India. It controls elections to both the Lok Sabha and the State Assembly. This act deals with various subject matters such as, election process, disqualification of members, election crimes, registration of voters, tallying the voters. To amend one nation, one election, the Representation of the People Act would require amendments to enable coincided elections for both Lok Sabha and State Assemblies. According to Article 75(3), the Council of Ministers are inclusively accountable to the House of People⁸, with Article 164(2) enforcing a similar responsibility on the Council of Ministers to the State legislative assembly.⁹ Subsequently the Executive's legality is complexly connected to and inferred from the legislature, and it stays in power while it gains the legislature's confidence. The government can be dismissed whenever a vote of no confidence motion is passed by either the Lok Sabha or the State Legislative Assembly, indicating an influential characteristic of the political superiority and the checks and balances being integral in the system.

Presently, all these dates differ. The prevailing tenure of the Lok Sabha will go up to 2024. The elections to certain state assemblies have also been lately held, while some were held in the last 2 years (2018-19) and some were held throughout the preceding year. Thus, some paramount questions surface for consequential contemplation. The most significant being the means in which one can coordinate all these dates, in a way that all their terms culminate during a particular given span of time. Thus, for the execution of simultaneous elections in the country, the tenure of few legislative assemblies should be

³ INDIA CONST. art. 83, cl. 3.

⁴ INDIA CONST. art. 172, cl. 1.

⁵ INDIA CONST. art. 85, cl. 2(b).

⁶ INDIA CONST. art. 174, cl. 2(b).

⁷ INDIA CONST. art. 123.

⁸ INDIA CONST. art. 75, cl. 3.

⁹ INDIA CONST. art. 164, cl. 2.

elongated, or in certain conditions, they must be abridged. Thus, all these expansion and abridgement would require some amendments to the Constitution of India.

COMPARATIVE STUDY WITH OTHER COUNTRIES

GERMANY:

Garmann has examined the idea of expanding the voter due to simultaneous elections, the author, utilizing a quasi-trial and a contrast approach towards the German-Municipality-Scale, has given the proof that cooperating two low-offices crucially boosts the turnout. The research by Kostelka et al develops upon Garmann's study by depicting it and expanding the scope to involve federal elections. The proposition assumes that the contribution in first-order elections is influenced by the density of elections, contradictory to the faith that superior order elections are confined from such results. These consequences afford sturdy assistance for the hypothesis and the discovery recommends that a greater density of elections may direct to voter debility, thereby diminishing turnout even in important elections. To elaborate on this, one could dig into the ramifications of these discovery for democratic practices .If persistent elections reduce voter turnout, this could challenge the concept that increasing chance for participation of the citizens certainly lead to superior democratic arrangement. It elevates doubts about the higher frequency of elections to stabilize the demand for representative governance with the probability of voter burnout.

SOUTH AFRICA:

South Africa's electoral outlook is portrayed by a pattern of five years where national as well as provincial legislative elections take place simultaneously, accompanied by municipal elections two years following that. The country's electoral structure functions on a party list proportional representation basis, establishing that political parties protect seats in direct connection to their vote share. This method protracts to municipal councils as well, although with a hybrid framework that incorporates ward representatives with voter-list members. Competence to vote in the National Assembly elections is vested to all South African residents aged above 18 years and above, containing expatriates considering the 2014 elections. Nonetheless, voting in provincial legislature or municipal council elections is confined to citizens within the corresponding regions. The Electoral Commission of South Africa, a body sanctified in the constitution, regulates the probity of these elections, it is state establishments to fortify constitutional democracy in the country. The simultaneous election pattern is supplemented by the representation system, which aids as a substitute to the First-Past-The-Post system and other majority-centric electoral framework. These conventional systems frequently capitulate irregular outcomes, benefitting massive political entities. In comparison, proportional representation can alleviate the marginalization of minoritized voices that may take place beneath FPTP, where a constricted majority can decide the winner. In India's environment, the inception of a proportional representation framework might experience defiance from parties that benefit from the distinction of swing voters and caste based politics, which are significant in the country's electoral

scheme. The present FPTP mechanism empowers wins through basic majorities, sometimes by minor leads, which could conceal the representation of a substantial minor faction.

SWEDEN:

In Sweden, general elections are conducted every four years on the second Sunday in month of September, where voters choose their representatives to the Riksdag along with regional and municipal councils. The electoral process is grounded on proportional representation, assuring that the allocation of the seats in the assemblies indicates the parties' share of the vote. Referendum, in Sweden are severed into two categories: Advisory and those regarding constitutional law. An advisory referendum is invalid and facilitates to estimate public view, while referendums on constitutional subjects are valid if conducted simultaneously with general elections. The formal national referendum was held on September 14, 2003, where the Swedish residents voted in conflict with fostering the euro, deciding to hold on to Swedish Krona. Regional referendums are more often, with not less than one in numerous municipalities every year, enabling the people to have a direct influence on the local resolutions. The latest general election occurred on September 11, 2022, with an 84.2% voter turnout. The Centrist Party headed by Ulf Kristersson, established minority government post the elections. The succeeding general election is awaited on September 13, 2026

INDONESIA:

Prior to 2019, change to simultaneous elections, Indonesia's electoral structure had developed over many decades. The very first general election of Indonesia took place in 1955, which was a crucial step post the announcement of independence in 1945 and the introduction of parliamentary mechanism in 1950. Primarily, the Indonesian citizens did not choose their leader of the state, the president till 2004. Earlier to that, the president was assigned by the legislature.

Before 2019, regional elections for governors and mayors were not conducted concurrently but took place in a stumbled manner throughout the nation. The application of simultaneous elections in Indonesia in the year 2019, according to the constitutional court's judgment no. 14/PUU-/2013, was an important incident in the nation's democratic mechanism. The verdict aimed to simplify the election procedure and diminish the expenditure affiliated with different elections for various levels of government. The paucity of representation of females in elected agency is a hurdle to democratization around the globe. The 2019 legislative election exhibits the greater number of women's political participation in the chronology of elections in Indonesia. Direct and simultaneous election probability is still bombarded with problems. When gazing at the facts possessed by PUSKAPOL, the Center for Political Studies the standings of campaigner for the 2019 legislative elections. Elections can be admitted that the option in the 2019 elections for the fragment there are 103 binding candidates who have triumphed 3 elections.

ADMINISTRATIVE AND FINANCIAL IMPLICATIONS

ADMINISTRATIVE ANALYSIS:

One Nation One election faces challenges logistically since there is a massive coordination required all over the nation and the state and central government employees are temporarily trained for election duty so there is a high chance of mismanagement. Also handling Lok Sabha elections and state assembly elections simultaneously requires a higher amount of employees for election duty and they need to be trained properly for effective polling and with this change it requires further more recruitment for the election commission for a smooth election process.

By taking the view of the critics they clearly state that there is no such massive challenges before 1967, India had simultaneous elections and without any technology the govt still completed the elections positively. So with these increased advancement in technologies like using EVM machines, the government can easily navigate the elections effectively. This change in elections require a comprehensive reforms, this may involve re-evaluation of party strategies, alterations to the current electoral schedule and Constitutional amendment. Furthermore there is increased highlights of lack of dedicated staff for conducting elections, as establishing dedicated election cadre is also a goal it is because using the government employees get election duty but their permanent duty is left and its neglected which could potentially make further more loss to the government.

FINANCIAL ANALYSIS:

According to election commission of India, the 2019 election cost somewhere around Rs.60000 crores, since holding state elections at different times adds up lot of burden due to various states have elections in a cycle with 6 months interval. This election happening continuously distracts electorate as well as the government from governance and policy implementation. Hence switching to this concept let us have conducting simultaneous election, the government potentially saves money which can be redirected to the social welfare such as education, health care and infrastructure. Due to this One nation one election there are billions of rupees saved. The main argument for this ONOE is financially the cost of conducting the election in 2009 is Rs.1115 crores and which tripled in the year 2014 to the cost of Rs. 3870 crores. Generally by understanding the logistical aspect, administrative aspect and especially financial object it is understood that simultaneous election is possible in all these aspects and also it has more positives than its negatives. The core argument which advocates the one nation one election is cost effective in terms of administrative oversight, resources and manpower.

FOCUSSING ON POLITICAL AND FEDERAL EXPLORATIONS

POLITICAL IMPACT:

The cyclical elections in India leads to less focus on the governance and the elections occurring frequently and political parties often prioritised short term developmental policies due to the need for popularity but long term policies are needed for the development of nation. Hence the simultaneous elections reduce the interruption and which helps the elected representatives to focus in their duties instead of preparing for next campaign. Generally, this simultaneous election has the potential to bring an increased voters turnout comparatively. As the elections are occurring in a same duration of time it creates a hype and momentum among the public causing greater participants for the election. Since the voters have to consider both the national and local issues, so the voter enhancement is higher in ONOE. Studies clearly depicts that one nation one election in other countries bring a higher yield of voters, for a country like India this concept is a gamechanger politically and with increased voters and politicians doing their duty of governance due to less interruptions are the important outcomes politically for this simultaneous election and these outcomes depicts country as a effective and efficient democracy.

FEDERAL IMPACT:

There are concerns from critics about federalism stating that elections conducted simultaneously could possibly undermine the state autonomy and this could easily dilute regional issues and the state elections are mainly focussing the local matters but this type of election leads to homogenisation with the national problems. The national problems can easily overshadow the specific state matter, so it is important to ensure that it doesn't happen to protect regional concerns.

The critics of ONOE initiative argues that there re high chances of voters casting the similar votes in elections for both Lok Sabha and state assemblies, which is argued as a big negative for this initiative. The state and central focusses different issues that is state with local issues like education, health and infrastructure and the national elections focusses on the economy, military(security) and governance in general. This argument of casting similar votes by the critics are is a flaw. The clear evidence is BJP in 2019 had simultaneous elections where they had less support compared with general elections, which indicates that the voters does not caste similar votes and they have distinction on local and national issues and they do prioritise regional issues. To further more support the argument historically India after independence had simultaneous election and they harmoniously coexisted focussing their regional matters.

RECOMMENDATIONS MADE BY RAMNATH KOVIND PANEL REPORT(2024)

The committee headed by former president Ram Nath Kovind and the report of their panel contains 322 pages which completely analyses all the aspects of the ONOE initiative and through its recommendations, the report firmly advocates for the implementation of this ONOE and the

union cabinet has approved the bill based on the report of this high-level committee. The important recommendations are:

1. The need for development of a legally tenable mechanism for the restoration of the simultaneous elections.
2. At the first stage of elections, all state assembly elections and Lok Sabha elections can be held together.
3. In the second stage the elections for municipalities and panchayats are held within the 100 days of elections of state assemblies and Lok Sabha.
4. For the purpose of simultaneous elections to happen the president needs to announce the appointed date for first sitting of Lok Sabha accordingly.
5. The president will set the election date which shall synchronise the elections of state and central as the official date.
6. Conducting elections together reduces cost, manpower need for frequent.
7. Amendment to article 83 and 172 to restrict unnecessary dissolution in the mid-term and which helps to align the term period of the Lok Sabha and State assemblies.
8. In case of hung assemblies where no party gets the majority the rules of Sarkaria commission recommendation may apply where the largest party with support or pre-election alliances.
9. Unifying the voter ID, where a single voter list and ID for all the elections.
10. Better governance is formed due to fewer elections causing time for parties to focus on long term goals and their duties, since elections distract them with campaigns¹⁰

CONCLUSION

Establishing amendments in any framework is not a simple task as a modification is often opposed by a huge number of people who view the quo as the only justifiable position. If we examine the history of electoral framework around the world, it was not simple to induce reforms in the electoral procedure in any democracies.¹¹

When viewed in the broad interest it could be contended that some nuisance post the amendment is definite but at a broad interest and to accomplish the end outcome is a must. The amendments do not penetrate into the multi-polity mechanism as it only relates to withholding the authority on the Parliament to conduct simultaneous elections in the interests of the country and reducing the people's money.

¹⁰ ONOE-HLC-REPORT, Ram Nath Kovinth panel (December 2024)

¹¹ Ajay Dixit, Electoral Reforms in India, Issues and Prospects, Legal Wires (December 14, 2024, 8:55 pm) <https://legal-wires.com/columns/electoral-reforms-in-india-issues-and-prospects/>

For India's political landscape to Reshape the political landscape of India is not just an administrative proposal and it's a visionary framework. Through this initiative we get the benefit of reduced cost, increased voters turnout, better governance focusing long term goals. While there exists few challenges but there is long term political stability and effective governance which is a necessary step in countries political development.

