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UNIFYING THE POLLS: EVALUATING THE CONSTITUTIONALITY OF ONE NATION, ONE ELECTION

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INTRODUCTION

What if one vote could shape the States and the Union, at the same time? This is the core idea behind the ‘One Nation, One Election’, proposed as a solution to the frequent elections that pose challenges such as increased government expenditure, prolonged enforcement of the Model Code of Conduct (MCC), instability in governance and disruptions in policy implementation. While the concept of simultaneous elections is not novel to the country, the introduction of the Constitution (One Hundred and Twenty-ninth Amendment) Bill, 2024 in the Lok Sabha has reignited the simmering debate on the practicality, desirability, and most importantly, the constitutionality of the proposal of the ‘One Nation, One Election’.

This blog accounts how this proposal has been pushed multiple times by several committees and commissions, including the Law Commission of India and the NITI Aayog. It analyses the provisions of the Constitution (One Hundred and Twenty-ninth Amendment) Bill, 2024 and evaluates whether it can withstand constitutional scrutiny and makes suitable suggestions. This blog aims to highlight the concerns surrounding the current proposal, while critically examining the Constitution Amendment Bill.

HISTORY OF PROPOSAL

The idea of ‘One Nation, One Election’ is rooted in the Indian electoral history, considering that India witnessed simultaneous elections to the Lok Sabha and State Assemblies after the independence in the years 1952, 1957, 1962 and 1967. However, a series of political developments over the years disrupted the cycle of synchronised elections.

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Simultaneous elections have been periodically pushed as a proposed solution to the financial and administrative burden of conducting the frequent elections. Notably, the 1999 Law Commission Report titled “*Reform of the Electoral Laws*” recommended the same for stability in the governance.

Further, in 2015, the Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice released its 79th Report titled “*Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies*”. It put forth an “alternative and practicable” method, in its recommendation, to hold simultaneous election in *two phases*, i.e., in 2016 and 2019. To continue the debate, a working paper was released by the NITI Aayog in 2017.

Recently, in 2024, the High-Level Committee on Simultaneous Elections headed by former President Ram Nath Kovind submitted its report and recommended on how the simultaneous elections could be conducted in the country. It suggested the required constitutional amendments that may be brought to implement the same. The recommendations were accepted by the Cabinet on 18 September 2024. Subsequently, two bills have been introduced in the Lok Sabha to implement the same, including the Constitution (One Hundred and Twenty-ninth Amendment) Bill, 2024 and the Union Territories Laws (Amendment) Bill, 2024.

PROVISIONS OF THE CONSTITUTION (129TH AMENDMENT) BILL, 2024

The Constitution (One Hundred and Twenty-ninth Amendment) Bill, 2024 was introduced in the Lok Sabha in December 2024, which sparked intense debate, with concerns raised over its constitutionality. It has sought to bring significant changes in the election process of the country. The proposed scheme provides for the implementation of simultaneous elections in [two phases](#):

- i. In the first phase, the elections to the Lok Sabha and State Assemblies will be held simultaneously, and;
- ii. In second phase, the elections to the local body (panchayat and municipalities) will be conducted within 100 days of general elections. For all such elections, a common electoral roll would vote.

The Bill introduces amendments to the existing provisions as well as inserting new provisions in the Constitution of India including Articles 82, 83, 172 and 327.

The details of the proposed amendments have been discussed below:

INSERTION OF ARTICLE 82A

It provides that the President may issue a public notification on the date of the first sitting of the newly elected Lok Sabha, which will be termed “appointed date”. Following this, the tenure of all State Assemblies, even if elected after the appointed date, will align with the full term of the Lok Sabha, so that future elections for the Lok Sabha and State Assemblies will be held together.

Further, in cases where the Election Commission of India determines that election to a State Assembly cannot be conducted as part of the simultaneous elections, it may recommend a delay to the President. Based on such recommendation, the President may issue an order to declare the same to be held at later stage. It is to be noted that the term of such State Assembly will still conclude along with the Lok Sabha’s tenure.

AMENDMENT TO ARTICLES 83 AND 172

Under Article 83, the “full term” and “unexpired term” of the Lok Sabha have been defined. While the former means the five-year period from the first sitting, the latter refers to the left-over term of the Lok Sabha after its premature dissolution and mid-term election will be held to elect the next Lok Sabha. It provides that the term of Lok Sabha elected in the mid-term election shall only be for the unexpired term. Similar provisions have been proposed for the State Assemblies under Article 172.

AMENDMENT TO ARTICLE 327

Article 327 provides for *“the power of Parliament to make provision with respect to elections to Legislatures.”* Under this Article, the Parliament has the power to make laws related to the elections to Lok Sabha, Rajya Sabha, and to either house of the State Legislatures. The Amendment Bill widens this power to make laws in relation to the “conduct of simultaneous elections”.

ASSESSING THE CONSTITUTIONALITY OF THE PROPOSAL

The proposed amendments have ignited an intense debate on its constitutional validity. A critical assessment is required to determine whether the idea of simultaneous elections aligns with the

principles of the Constitution, particularly the democratic and federal structure of the Indian polity. The Amendment Bill is currently under review by the Joint Committee of Parliament comprising 39 members from different political parties. This section discusses various concerns that have been raised by the critics.

DISCRETIONARY POWERS TO THE ELECTION COMMISSION OF INDIA

As noted above, the Election Commission of India will conduct general elections to the House of the People and all Legislative Assemblies *simultaneously*, before the expiry of the full term of the House of the People. Under the Amendment Bill, the Election Commission of India is also given the discretionary power to recommend the election to any Legislative Assembly be postponed and conducted at a later date. Conferring such power on the Election Commission has been criticised among other faults in the Bill as highlighted by the former Chairman of the Law Commission, AP Shah.

PREMATURE DISSOLUTIONS OF THE STATE LEGISLATIVE ASSEMBLIES

At the inception stage of the scheme, another primary concern is the premature dissolution of the legislative assemblies which will be the natural consequence of implementing the Amendment Bill in the currently proposed manner. This is because the Bill does not provide for phased dissolution of legislative assemblies to align with the general election for Lok Sabha. Such pre-mature dissolution would go against the constitutional mandate and desire of the general public that elected a government for five years. In a parliamentary democracy, the fixed tenure of legislatures forms a foundational pillar and tampering with this structure risks unsettling the delicate balance between the Centre and the States.

Highlighting the same, former Chief Justice of India, U.U. Lalit has also opined that if an Assembly still has 30% to 40% of its tenure remaining, it constitutes a “substantial portion” of its term. Therefore, curtailing such a tenure prematurely would amount to a violation of the basic structure of the Constitution, particularly the principles of federalism and democratic representation.

AUTONOMY OF STATE GOVERNMENTS ENDANGERED

The delicate balance between Centre and the States would continue to be prone to erosion even after the implementation of the scheme. The autonomy of the state governments is endangered because the tenure of the State Legislative Assembly would become dependent on the tenure of the Lok Sabha. Even if a state government was elected after the general election, its term would end with that of the Lok Sabha, thereby, curtailing its full tenure.

In the landmark judgment, *S R Bommai v Union of India*, the Hon'ble Supreme Court observed that "*Federalism is a concept which unites separate States into a Union without sacrificing their own fundamental political integrity*" and held federalism as a part of basic structure of the Indian Constitution. In another judgment, the Court observed that "*The supremacy of the constitution is fundamental to the existence of a federal State in order to prevent either the legislature of the federal unit or those of the member States from destroying or impairing that delicate balance of power*". Therefore, India follows the structure of cooperative federalism and such implementation of the scheme would be detrimental to the federal fabric of the Indian Constitution which protects the autonomy of the States while also providing for the Central power.

OVERSHADOWING OF LOCAL ISSUES

From the lens of *deliberative democracy*, the idea weakens the quality of public reasoning and discourse, as simultaneous elections reduce the time and space available for citizens to engage meaningfully with state-specific issues. Moreover, *'Public Choice Theory'* raises concerns regarding the behavior of political leaders during simultaneous elections, who driven by self-interest, may focus more on vote-maximizing strategies such as crafting centralized, populist campaigns rather than addressing the unique governance needs of individual states. This also gives rise to the *coattail effect*, where voters tend to vote the same way for both state and national elections, failing to distinguish between the distinct responsibilities of each level of government. Therefore, this could marginalize regional parties as well as local issues, affecting the diversity and representation that form the bedrock of India's democratic structure.

THE WAY FORWARD

The political structure of any nation evolves over time, and India is no exception. What began as a system of simultaneous elections, has gradually shifted towards frequent individual polls, contributing to rising electoral expenditure evident through various reports such as the 2019 CMS Report and news articles. The idea will admittedly reduce election expenditure, and increase optimisation of resources, however, it has to be examined taking into consideration the current situation of the polity. The questions of the constitutionality arise with the current proposed plan of implementation, which includes a two-phased election. The major issues lie [i] at the inception of simultaneous elections, that is the premature dissolution of various state assemblies with some left to complete ‘substantial portion’ of their tenures and [ii] after the implementation, that is the dependency of the tenure of the State Assemblies on the Lok Sabha.

In this regard, the author supports an alternative recommendation to the proposed two-phased model that a staggered implementation strategy may be adopted. Rather than resorting to premature dissolutions of State Legislative Assemblies, which certainly raises concerns of the scheme violating the Constitutional principles, the author suggests a phased dissolution of state assemblies. In other words, the dissolution of state assemblies to align with the Lok Sabha elections may be carried out in various stages as also was recommended by the Law Commission in 1999. A similar approach was recommended by the Parliamentary Standing Committee in its 2015 Report, wherein it suggested a two-phased approach, in which elections were to be held in 2016 and 2019.

To implement phased disbanding of the assemblies, the *five-year rolling window* may serve as a valuable planning mechanism, which is a tool commonly used in economics. By regularly reviewing the electoral calendar within a moving five-year frame, optimal groupings of states can be identified and planned structurally for phased alignment without arbitrary decisions. This gradual alignment would allow for the synchronisation of elections over successive cycles, thereby preserving constitutional integrity while still advancing the objective of simultaneous polls.

Moreover, to ensure that the reforming scheme is implemented without eroding basic structure of the Constitution of India, the author suggests that a sunset clause may also be inserted along with

the proposed amended provisions of the Constitution. This clause would have the effect of ending the scheme of synchronization of state and national elections automatically after a set period of time unless the Parliament decides to extend it. Such clause would provide a trial period during which both the Union and the States can assess whether holding simultaneous elections truly improves administrative efficiency and holds the federal principles. These measures will help balance ambition with caution, and a much-needed reform with an option to revert if it doesn't deliver as intended.