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Stability versus Accountability: Reconsidering No-Confidence Motions and Premature Dissolution under One Nation, One Election

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ABSTRACT

One Nation, One Election (ONOE) is commonly defended as an administrative reform capable of reducing electoral expenditure, limiting recurrent enforcement of the Model Code of Conduct, and enabling governments to concentrate on policy. That account, however, treats synchronisation as a problem of calendars while understating its deeper constitutional consequence: a common electoral cycle can survive only if the ordinary relationship between legislative confidence, executive tenure and dissolution is redesigned. This paper examines that redesign through the competing values of stability and accountability. It argues that neither value is constitutionally complete in isolation. Stability without continuing responsibility risks insulating an executive that has lost representative legitimacy; accountability without institutional continuity may allow strategic defections, opportunistic alliances and repeated dissolutions to exhaust democratic government. The Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024 addresses premature dissolution by giving a newly elected House only the unexpired portion of the common term. Although this preserves the calendar, it may produce unequal mandates, abbreviated elections and incentives to manipulate the timing of governmental collapse. By contrast, a constructive vote of no confidence can preserve continuity by requiring those who remove a ministry simultaneously to demonstrate an alternative majority. Yet an unqualified constructive-vote model may entrench minority governments, weaken opposition scrutiny and transfer excessive power to party leadership. Drawing upon Indian constitutional text, Supreme Court doctrine, committee proposals and comparative parliamentary practice, this paper develops an accountability-preserving stability model. It proposes a carefully regulated constructive vote, time-bound investiture, transparent floor procedures, rapid adjudication of defection disputes, constrained dissolution, neutral caretaker conventions and federal safeguards. It additionally examines who should bear the democratic costs of governmental failure: representatives unable to construct a majority, constitutional authorities managing a transition, or citizens asked to confer an artificially

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shortened electoral mandate. The central claim is that ONOE can be constitutionally defensible only if synchronisation remains subordinate to responsible government. Electoral economy cannot become a reason to make governments less removable; nor should every loss of confidence automatically compel an election. The true test of reform is therefore not whether elections occur together, but whether power remains continuously answerable between elections.

Keywords: *One Nation One Election, simultaneous elections, no-confidence motion, constructive vote of no confidence, premature dissolution, parliamentary accountability, governmental stability, federalism, remainder-of-term election, constitutional reform*

I. INTRODUCTION: THE CONSTITUTIONAL QUESTION HIDDEN INSIDE AN ELECTORAL CALENDAR

The proposal popularly described as One Nation, One Election begins with an intuitively attractive picture: voters receive ballots for the Lok Sabha and State Legislative Assemblies in a coordinated electoral period; public expenditure and administrative deployment are reduced; political parties spend less time campaigning; and governments obtain a predictable interval for governing. From this perspective, synchronisation seems principally managerial. It appears to concern dates, voting machines, security personnel and the Model Code of Conduct. But a calendar can be synchronised for one election without remaining synchronised for the next. The durable constitutional problem arises the morning after polling, when parliamentary government resumes its ordinary life of confidence, coalition, defection, disagreement and possible collapse.¹

India does not elect governments for an absolutely guaranteed five-year tenure. It elects Houses, ordinarily for five years, within which a Council of Ministers must continuously command legislative confidence. Articles 75(3)² and 164(2)³ constitutionalise collective responsibility. Articles 83(2)⁴ and 172(1)⁵ prescribe maximum terms for the Lok Sabha and State Assemblies, unless sooner dissolved. Articles 85(2)(b)⁶ and 174(2)(b)⁷ contemplate dissolution. These provisions form an integrated architecture: the executive governs because it is answerable to an elected chamber; when a viable ministry cannot be formed, a return to the electorate may restore

¹ GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION 144–186 (1966).

² INDIA CONST. art. 75(3).

³ INDIA CONST. art. 164(2).

⁴ INDIA CONST. art. 83(2).

⁵ INDIA CONST. art. 172(1).

⁶ INDIA CONST. art. 85(2)(b).

⁷ INDIA CONST. art. 174(2)(b).

representative authority. Premature dissolution is therefore not simply an accidental disturbance. It is one of the democratic release valves of a parliamentary Constitution.

The Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024⁸ attempts to make synchronisation durable. Its proposed Article 82A authorises the commencement of simultaneous elections, while proposed amendments to Articles 83 and 172 create the idea of an “unexpired term”. If the Lok Sabha or a State Assembly is dissolved before completing its full term, the successor House is elected only for the remainder of that term. The next general cycle thus remains intact. The proposal avoids the difficult claim that every House must be made legally indissoluble. Nevertheless, it changes the political meaning of an election. A voter called upon after a collapse in year four may elect a legislature for only one year. The same act of voting would confer a materially shorter mandate merely because the national calendar requires it.

This paper asks whether the pursuit of electoral synchronisation justifies that transformation. Its inquiry is doctrinal and normative. Doctrinally, it examines responsible government, dissolution, floor tests, federalism and the basic structure. Normatively, it asks how a democracy should distribute the costs of instability. Must voters bear those costs through shortened mandates? Must a government that has lost confidence remain in office to preserve the timetable? Or should legislators who seek removal be required to produce a replacement majority through a constructive vote of no confidence?

The argument proceeds from a distinction often obscured in public debate. Governmental stability, legislative stability and electoral stability are not identical. A ministry may change without dissolving the House; a House may continue while coalitions are reconstructed; and an electoral calendar may remain orderly even though political responsibility is vigorously enforced. ONOE will become constitutionally dangerous if it treats all three forms of stability as a single good. The sound objective is not to freeze political power but to prevent avoidable elections while keeping executive authority continuously removable through representative institutions.⁹

The paper ultimately proposes a model of “accountable continuity”. Under this model, a no-confidence motion would ordinarily be constructive: removal would require the House to identify a successor Prime Minister or Chief Minister. If no government could obtain investiture

⁸ The Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024, Bill No. 275 of 2024 (introduced in Lok Sabha Dec. 17, 2024) (India), [https://prsindia.org/files/bills_acts/bills_parliament/2024/Constitution_\(One_Hundred_and_Twenty-Ninth_Amendment\)_Bill,_2024.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2024/Constitution_(One_Hundred_and_Twenty-Ninth_Amendment)_Bill,_2024.pdf).

⁹ Arun Kumar Kaushik & Yugank Goyal, *The Desirability of One Nation One Election in India: Simultaneous Elections*, 44 J. SOC. POL. & ECON. STUD. 110 (2019), https://www.jspes.org/spring_summer_2019_kaushik.html.

within a short, constitutionally specified period, dissolution would remain available. A mid-cycle election would normally produce a House for the unexpired term, but a minimum-mandate safeguard would prevent democratically trivial tenures. Defection adjudication, floor-test procedure and caretaker limitations would be tightened so that engineered instability is not rewarded. Such a framework does not eliminate political crisis. It gives crisis a constitutional sequence that prefers government formation over dissolution without sacrificing the electorate's final authority.

II. STABILITY AND ACCOUNTABILITY IN INDIA'S PARLIAMENTARY CONSTITUTION

The stability–accountability tension is not a defect unique to ONOE; it is the permanent dilemma of parliamentary government. In the Constituent Assembly, B.R. Ambedkar distinguished a stable executive from a responsible one and explained that no system yet devised secures both in equal degree. India selected the parliamentary system because daily responsibility to the legislature was considered more valuable than the fixed security associated with a presidential executive. Periodic elections are one mode of accountability, but not the only one.¹⁰ Questions, debates, financial control, committee scrutiny, confidence motions and the possibility of removal make the executive answerable throughout its tenure.

Collective responsibility is therefore more than a rule about resignation following defeat. It is the constitutional grammar connecting executive power to representative consent. A ministry is not entitled to govern until the next scheduled election merely because it once won a majority. It must retain the confidence of the popular House. Conversely, collective responsibility does not imply that every political disagreement should trigger a general election. The first question after a ministry loses confidence is whether another government can be formed from the existing House. Dissolution is appropriate when representative possibilities have been genuinely exhausted, not simply when the incumbent prefers a new contest.

Yet stability is an instrumental value. It is valuable because it enables representative government to perform, not because office-holders possess an independent entitlement to complete a term. A government stable only because the House cannot remove it would invert the constitutional hierarchy.¹¹ Similarly, a legislature preserved solely to protect a common election date might

¹⁰ 7 CONSTITUENT ASSEMBLY DEBATES 32–33 (Nov. 4, 1948) (statement of Dr. B.R. Ambedkar) (“The Daily assessment of responsibility which is not available under the American system it is felt far more effective than the periodic assessment and far more necessary in a country like India.”); *see also* GRANVILLE AUSTIN, *WORKING A DEMOCRATIC CONSTITUTION: A HISTORY OF THE INDIAN EXPERIENCE* 544–598 (1999).

¹¹ *See* 7 CONSTITUENT ASSEMBLY DEBATES 32 (Nov. 4, 1948) (statement of Dr. B.R. Ambedkar) (“A Parliamentary Government must resign the moment it loses the confidence of a majority of the members of Parliament.”); INDIA

cease to be a meaningful forum of responsibility. The calendar is a tool of democracy; democracy is not a tool of the calendar.

Supreme Court doctrine has accordingly emphasised the floor of the House as the normal site for testing majority. In *S.R. Bommai v. Union of India*,¹² the Court subjected proclamations under Article 356 to judicial review and treated a floor test as the constitutionally appropriate method of determining support. In *Shivraj Singh Chouhan v. Speaker, Madhya Pradesh Legislative Assembly*,¹³ the Court reaffirmed that when objective circumstances create a reasonable basis to doubt the government's majority, an expeditious floor test may protect representative legitimacy. At the same time, *Nabam Rebia v. Deputy Speaker*¹⁴ and *Subhash Desai v. Principal Secretary, Governor of Maharashtra*¹⁵ demonstrate the dangers of gubernatorial or procedural intervention in internal legislative conflict. A floor test cannot be converted into a political weapon detached from constitutionally relevant material.

Premature dissolution presents the corresponding problem at the other end. *Rameshwar Prasad v. Union of India*¹⁶ held unconstitutional the dissolution of the Bihar Assembly, dissolved before it could even meet, although the Court declined to restore it; speculative fears of unethical government formation, the Court reasoned, could not displace constitutional process. The decision matters for ONOE because it rejects administrative convenience and political suspicion as substitutes for testing whether a government can be formed. Before the electorate is asked to vote again, or before a House is denied the opportunity to constitute a ministry, the possibilities within the existing mandate must be respected.

The constitutional balance may therefore be expressed in three propositions. First, a government must be removable whenever it demonstrably loses legislative confidence. Secondly, removal of one ministry need not mean termination of the House. Thirdly, dissolution must remain possible where no responsible government can be formed. ONOE is defensible only if it organises these propositions rather than suppressing one of them.

III. THE ONOE FRAMEWORK AND THE REMAINDER-OF-TERM SOLUTION

India held elections to the Lok Sabha and most State Assemblies together during the early constitutional period, but the cycle fractured following premature dissolutions in the late 1960s

CONST. art. 75(3).

¹² *S.R. Bommai v. Union of India*, (1994) 3 SCC 1 (India).

¹³ *Shivraj Singh Chouhan v. Speaker, Madhya Pradesh Legislative Assembly*, (2020) 17 SCC 1 (India).

¹⁴ *Nabam Rebia & Bamang Felix v. Deputy Speaker, Arunachal Pradesh Legislative Assembly*, (2016) 8 SCC 1 (India).

¹⁵ *Subhash Desai v. Principal Secretary, Governor of Maharashtra*, 2023 SCC OnLine SC 607 (India).

¹⁶ *Rameshwar Prasad (VI) v. Union of India*, (2006) 2 SCC 1 (India).

and the early dissolution of the Fourth Lok Sabha. The historical point is sometimes invoked to portray simultaneous elections as a restoration of the original constitutional design. That claim requires qualification. Early simultaneity resulted from political circumstance; it was not secured by constitutional provisions requiring every later House to return to a single clock. The present proposal is therefore not merely restorative. It would create legal mechanisms that did not govern the earlier cycle.¹⁷

The High-Level Committee on Simultaneous Elections, chaired by former President Ram Nath Kovind, recommended simultaneous elections to the Lok Sabha and State Assemblies, followed by local-body elections within 100 days. It emphasised predictability, reduced disruption, electoral expenditure and administrative efficiency. The Union Cabinet accepted the recommendations in September 2024. The Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024¹⁸ and the Union Territories Laws (Amendment) Bill, 2024¹⁹ were introduced in the Lok Sabha on 17 December 2024 and referred to a Joint Parliamentary Committee. The Committee's time for reporting has been extended several times, most recently in July 2026 to the Winter Session of 2026, and as of October 2026 the Bills remain before it.

The constitutional Bill adopts a common-cycle technique. By a public notification issued on the date of the first sitting of the Lok Sabha after a general election, the President may bring the scheme into force, and the date of that notification becomes the "appointed date". The terms of State Assemblies constituted after that date would end with the full term of the Lok Sabha. Elections held at the end of those terms would be "simultaneous elections". If the Lok Sabha is dissolved early, the new House serves only its unexpired term. A comparable rule applies to a prematurely dissolved State Assembly. If the Election Commission considers that an Assembly election cannot be conducted with the simultaneous election, it may recommend that the

¹⁷ M.P. JAIN, INDIAN CONSTITUTIONAL LAW 938–1002 (8th ed. 2018).

¹⁸ The Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024, *supra* note 8; Saket Surya & Shirin Pajnoo, PRS LEGISLATIVE RESEARCH, *Legislative Brief: The Constitution (129th Amendment) Bill, 2024 and The Union Territories Laws (Amendment) Bill, 2024* (June 5, 2025), https://prsindia.org/files/bills_acts/bills_parliament/2024/Legislative_Brief_Simultaneous_Election_Bills.pdf. For the recommendations that the Bills implement, see HIGH LEVEL COMMITTEE ON SIMULTANEOUS ELECTIONS, *Report of the High Level Committee on Simultaneous Elections* (Mar. 14, 2024).

¹⁹ The Union Territories Laws (Amendment) Bill, 2024, Bill No. 276 of 2024 (introduced in Lok Sabha Dec. 17, 2024) (India), [https://prsindia.org/files/bills_acts/bills_parliament/2024/The_Union_Territories_Laws_\(Amendment\)_Bill,_2024.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2024/The_Union_Territories_Laws_(Amendment)_Bill,_2024.pdf) (amending the Government of Union Territories Act, 1963, the Government of National Capital Territory of Delhi Act, 1991 and the Jammu and Kashmir Reorganisation Act, 2019). On the extension of the Joint Committee's term to the Winter Session of 2026, see *Lok Sabha Grants Extension to JPC Examining Bills on 'One Nation, One Election'*, MANORAMA YEARBOOK (July 30, 2026), <https://www.manoramayearbook.in/current-affairs/india/2026/07/30/jpc-examining-bills-on-one-nation-one-election.html>.

President order the election to be held at a later date; the later-elected Assembly would nevertheless end with the common cycle.²⁰

This is an ingenious calendar-preservation mechanism because it avoids an absolute fixed term and retains elections after dissolution. But it redistributes democratic loss. Under the existing Constitution, premature dissolution usually initiates a new potential five-year mandate. Under the Bill, it initiates a truncated mandate. The cost of collapse is imposed not only on the parties that caused it but on voters and the next House, even when the newly elected majority is stable and decisive.

The remainder-of-term approach produces at least five concerns. First, it creates unequal electoral mandates. A general election held at the common cycle may authorise five years of government, while an identical election held mid-cycle may authorise months. Equality in voting is not simply numerical; the institutional consequence of the vote also matters.²¹ Although the Constitution already permits short-lived Houses, it does not ordinarily preordain their brevity regardless of political stability.

Secondly, truncated tenure may weaken governmental capacity and distort incentives. A ministry elected for twelve months may prioritise visible measures over structural policy, while parties may time a collapse according to the value of the residual term. Thirdly, President's Rule could become a bridge to the next common poll when little time remains, contrary to *S.R. Bommai's* federal insistence upon timely representative government.

Fourthly, the postponement power raises institutional questions. An Election Commission recommendation about inability to hold an Assembly election may be necessary during emergency, disaster or extraordinary logistical difficulty. But a power that separates a State from the common poll and simultaneously abbreviates its later term affects federal representation. Objective statutory criteria, recorded reasons, a narrow time limit and judicial review are essential. Electoral administration cannot become an indirect power to determine the effective duration of a State's mandate.

The Bill's silence on how confidence crises should be managed is consequently important. It regulates the consequence of dissolution more clearly than the process preceding dissolution. Yet the process determines whether dissolution was unavoidable, engineered or prematurely

²⁰ The Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024, *supra* note 8, cls. 2–4 (inserting art. 82A(1)–(7) and arts. 83(3)–(7), 172(1A), (3)–(5)). For an assessment of the proposal before the Bill was introduced, see Agney G.K. & Vineeth Thomas, *Assessing the Feasibility of 'One Nation, One Election' in India*, 58 ECON. & POL. WKLY., nos. 45–46 (Nov. 11, 2023), <https://www.epw.in/journal/2023/45-46/commentary/assessing-feasibility-%E2%80%98one-nation-one-election%E2%80%99.html>.

²¹ 2 H.M. SEERVAI, CONSTITUTIONAL LAW OF INDIA: A CRITICAL COMMENTARY 2030–2082 (4th ed. 1993).

advised. A common calendar protected mainly by truncated successor Houses treats elections after collapse; it does not adequately prevent unnecessary collapse. That is why reconsideration of the no-confidence motion is not peripheral but foundational.

IV. NO-CONFIDENCE MOTIONS: DEMOCRATIC SAFETY VALVE OR INSTRUMENT OF INSTABILITY?

The Constitution does not set out a detailed procedure for a no-confidence motion. Collective responsibility supplies its constitutional basis, while the rules of the Lok Sabha and State Assemblies regulate notice, admission and voting. Rule 198 of the Rules of Procedure and Conduct of Business in Lok Sabha permits a member to seek leave to move a motion expressing want of confidence in the Council of Ministers. If not fewer than fifty members rise in support, the Speaker declares leave granted, and the motion must be taken up within ten days of the date on which leave is asked for.²² A simple majority of members present and voting determines the motion, subject to quorum and the actual composition of the House.

The simplicity of this mechanism reflects a profound premise: a ministry unable to retain the confidence of the House should not govern. The opposition need not agree upon a successor before demonstrating that the incumbent lacks support. This “destructive” vote, as comparative scholarship sometimes calls it, maximises removability.²³ It separates the negative judgment, that the present government must go, from the positive question of who should govern next.

That separation can be democratically valuable. Opposition parties may agree that an administration has engaged in grave misconduct while disagreeing about an alternative programme. Requiring prior agreement on a successor could protect a discredited government. Minority groups may expose the loss of legitimacy even when coalition negotiations remain incomplete. The ordinary no-confidence motion also makes visible the positions of legislators. It supplies a clear parliamentary verdict rather than leaving majority questions to press conferences, letters to a Governor or competing resort meetings.

However, the same separation creates a risk under a synchronised system. Legislators can remove a ministry without ensuring that another government is viable. If no alternative majority emerges, dissolution follows; if a successor House receives a full five-year term, the common

²² LOK SABHA SECRETARIAT, RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN LOK SABHA r. 198(1)–(2); *see also* Ashutosh Bairagi, *One Nation One Election in India – A Contemporary Need vis-à-vis a Matter of Mere Discussion*, 5 INT’L J.L. MGMT. & HUMAN. 1726 (2022), <https://ijlmh.com/paper/one-nation-one-election-in-india-a-contemporary-need-vis-a-vis-a-matter-of-mere-discussion/>.

²³ SUBHASH C. KASHYAP, OUR PARLIAMENT 132–167 (2015).

cycle breaks, and if it receives only the remainder, voters receive an abbreviated mandate. The existing no-confidence design externalises the electoral consequences of legislative action.²⁴

Further, limiting the number or timing of no-confidence motions is normatively problematic. A prohibition during the first or final year of a House would create periods in which an executive could remain despite lacking majority. Requiring an unusually high threshold to admit or pass the motion would depart from the logic of majority government. Anti-abuse rules may prevent repetitive motions within a short period when nothing material has changed, but they must contain exceptions for coalition withdrawal, budget defeat, party split or other objective evidence of changed support.

The more defensible reform changes the consequence of the vote rather than denying the vote itself. A constructive motion does this by combining removal with replacement. It asks the House not merely “Do you reject this government?” but “Whom do you authorise to govern instead?” The distinction is crucial. Accountability is preserved because the incumbent can still be removed by a majority; continuity is strengthened because the same majority must accept responsibility for an alternative.²⁵

The question is thus not whether no-confidence is “good” and stability “bad”, or the reverse. The question is where the burden of responsible action should fall. The existing motion places the burden on the incumbent to survive and leaves later government formation open. A constructive motion places an additional burden on the removing majority to govern. Under ONOE, that added burden is attractive because legislative action can otherwise impose a short-term election on millions of voters. But it must be designed so that inability to name an immediate successor does not make an unaccountable ministry constitutionally immortal.

V. CONSTRUCTIVE VOTE OF NO CONFIDENCE: PROMISE, LIMITS AND COMPARATIVE LESSONS

The constructive vote of no confidence is most closely associated with Article 67 of Germany’s Basic Law.²⁶ The Bundestag may express no confidence in the Federal Chancellor only by electing a successor with the majority of its members and requesting the Federal President to dismiss the incumbent. The mechanism responds to the experience of unstable parliamentary

²⁴ Arend Lijphart, *Constitutional Choices for New Democracies*, 2 J. DEMOCRACY 72 (1991), <https://doi.org/10.1353/jod.1991.0011>.

²⁵ M.N. KAUL & S.L. SHAKDHER, PRACTICE AND PROCEDURE OF PARLIAMENT 303–346 (7th ed. 2016).

²⁶ GRUNDGESETZ [GG] [Basic Law] art. 67(1) (Ger.) (“The Bundestag may express its lack of confidence in the Federal Chancellor only by electing a successor by the vote of a majority of its Members and requesting the Federal President to dismiss the Federal Chancellor.”).

government under the Weimar Constitution. It makes a negative coalition insufficient; parties must form an affirmative governing majority.

Spain employs a comparable constructive mechanism,²⁷ while other parliamentary systems use fixed-term rules, investiture votes or regulated dissolution in different combinations. Comparative law offers institutional possibilities, not transplantable answers. Germany's party system, federal structure, constitutional court and political conventions differ from India's. India also has the Tenth Schedule, powerful party whips, numerous regional parties, and Governors whose role in government formation has repeatedly generated litigation. A textual transplant could interact unpredictably with these features.

The Law Commission of India's 2018 Draft Report on Simultaneous Elections recognised that a successful ordinary no-confidence motion could disrupt synchronisation.²⁸ It suggested replacing it with a constructive vote through appropriate amendments and proposed that limiting the number of such motions during the term of a House also be considered. Paired with the Commission's own remainder-of-term proposal, this confronted the causal source of premature dissolution more directly than a remainder-of-term rule alone. The High-Level Committee later preferred fresh elections for the unexpired term in cases of a hung House, no-confidence or similar events, and did not make constructive no-confidence the organising principle of its final framework. The divergence reflects two conceptions of democratic repair: reconstruction within the existing House and renewed voting within the existing calendar.

The constructive vote offers four advantages for India. First, it distinguishes loss of confidence from absence of government. A majority capable of removing the ministry demonstrates that it can also sustain a replacement, avoiding a caretaker vacuum. Secondly, it discourages purely tactical motions. Parties must internalise the cost of governing rather than unite briefly around rejection.²⁹ Thirdly, it reduces the incentive for an incumbent to seek dissolution merely because its coalition has fractured; if an alternative majority exists, power transfers without an election. Fourthly, it protects the electorate from unnecessarily repetitive or abbreviated polls.

²⁷ CONSTITUCIÓN ESPAÑOLA [C.E.] art. 113, B.O.E. n. 311, Dec. 29, 1978 (Spain).

²⁸ LAW COMMISSION OF INDIA, *Draft Report: Simultaneous Elections* ¶¶ 8.28–8.36, 12.5, at 82–85, 122 (Aug. 30, 2018).

²⁹ Sunil Devi Kharb & Shivani Deswal, *Simultaneous Elections in India: Discussion on Federalism and Accountability*, ANNALS BHANDARKAR ORIENTAL RSCH. INST., June 2024, <https://www.researchgate.net/publication/394026380> (discussing a constructive vote of confidence under which an alternative cabinet is provided on premature dissolution); see also LAW COMMISSION OF INDIA, *supra* note 28, ¶ 8.29, at 82 (under a constructive vote, the government “will be ousted only when the member or the group of members come forward with a proposal to form an alternative government”).

Its dangers are equally real. The most serious is entrenchment. A government may have lost broad political legitimacy but remain because its opponents cannot agree upon one successor. Parliamentary confidence is then converted from a continuing positive relationship into the absence of an organised alternative. A ministry could survive while consistently failing to pass legislation, relying on opposition fragmentation. The Constitution would move closer to the proposition that an executive may govern until replaced, rather than only while supported.

That danger is magnified by India's anti-defection regime. The Tenth Schedule permits disqualification for voting or abstaining contrary to a party direction, subject to limited exceptions. A constructive motion identifying a successor would almost certainly attract binding whips. Legislators' constitutional judgment would be subordinated to party leadership, even where the issue is government formation. Conversely, delay in disqualification decisions might permit members whose status is contested to determine the successor.³⁰ The procedural integrity of the constructive vote depends on speedy and impartial resolution of membership disputes.

A further problem is what counts as "constructive". Naming a successor Prime Minister or Chief Minister does not prove that a viable Council of Ministers, budget or common programme exists. A coalition might unite for the replacement vote and disintegrate immediately afterward. Safeguards must therefore include an investiture sequence and a limited protection period. The successor should be deemed elected only upon receiving the affirmative vote of a majority of the total membership of the House, not merely members present and voting. The new ministry should then present a confidence motion and basic programme within a short period. If it fails, the House should enter a defined government-formation window before dissolution.

The comparative lesson is therefore functional: require an affirmative governing majority before dissolving an elected House, but preserve a route to the people when the House cannot create one. Constructive no-confidence should be a preference for continuity, not a prohibition on democratic renewal.

VI. PREMATURE DISSOLUTION, FLOOR TESTS AND FEDERAL RISK

Dissolution performs different constitutional functions. It may follow the natural expiry of a House, the defeat of a government when no alternative can be formed, an incumbent's advice seeking a renewed mandate, or a constitutional breakdown in a State. Treating all dissolutions identically obscures the need for different safeguards. Under ONOE, every premature

³⁰ AREND LIJPHART, *PATTERNS OF DEMOCRACY: GOVERNMENT FORMS AND PERFORMANCE IN THIRTY-SIX COUNTRIES* 105–129 (2d ed. 2012).

dissolution affects the common cycle, but its legitimacy still depends on why and how it occurred.

An incumbent with a majority may advise early dissolution for partisan advantage. Westminster traditions historically afforded executives considerable influence over election timing, though comparative reforms have sometimes constrained it. In India, the President and Governor normally act on ministerial advice, but the position becomes complex when the ministry's majority is doubtful. An incumbent that has lost confidence should not be able to pre-empt an alternative government by demanding dissolution.³¹ The head of state must first determine, through constitutionally disciplined procedures, whether another leader can command the House.

The floor test is central but not self-executing. Timing, agenda, voting method, treatment of disqualified or resigning members and security within the chamber can determine its result. Judicial orders have sometimes required accelerated tests to prevent horse-trading or unlawful continuation, yet excessive judicial or gubernatorial management can itself interfere with legislative autonomy. *Subhash Desai* underscores that a Governor must possess objective material relevant to loss of confidence and cannot use a floor test to resolve internal party disputes. The constitutional question is the government's support in the House, not which faction represents the "real" political party.

ONOE raises the stakes of this procedural choice. A disputed floor test could lead not simply to a change of government but to an election for a shortened term and a realignment of the State's political timetable. Governors may face pressure either to accelerate collapse when the residual term is attractive or postpone it when an election would yield only a brief tenure. Uniform statutory standards are therefore necessary: written reasons; prompt summoning; open voting unless constitutionally justified otherwise; live publication of proceedings; and a strictly limited role for the Governor beyond facilitating a House determination.

This concern engages the basic structure doctrine. Federalism, democracy, free and fair elections, judicial review and the parliamentary system have each received basic-structure recognition in Supreme Court jurisprudence. It does not follow that simultaneous elections are per se unconstitutional. Parliament may amend term and election provisions, and the Constitution has never guaranteed staggered polls. The stronger objection is cumulative: if State mandates are curtailed without meaningful ratification, Governors obtain wider leverage during

³¹ José Antonio Cheibub & Fernando Limongi, *Democratic Institutions and Regime Survival: Parliamentary and Presidential Democracies Reconsidered*, 5 ANN. REV. POL. SCI. 151 (2002), <https://doi.org/10.1146/annurev.polisci.5.102301.084508>.

confidence disputes, President's Rule bridges inconvenient gaps, and voters receive systematically shortened successor terms, the reform may damage the federal and parliamentary character rather than merely regulate election dates.³²

State ratification under the proviso to Article 368³³ is consequently both a legal and legitimacy question. The 2024 Bill's design has generated debate over whether its amendments formally attract ratification because they do not expressly amend the enumerated federal provisions in the proviso. A purely textual avoidance of ratification would not answer the normative issue. A reform that reorganises the electoral life of every State should rest on substantial State consent. Federalism is not protected only when Article 368 commands a voting form; it is also protected by political consultation, reasoned accommodation and respect for distinct State mandates.

Article 356³⁴ presents the most acute risk. When no government can be formed, President's Rule is a temporary constitutional response, not an electoral scheduling device. The requirement of parliamentary approval within two months, the six-month periods of continuance and the conditions in clause (5) for continuance beyond one year remain applicable. ONOE should expressly state that proximity to a simultaneous election, cost savings or calendar preservation cannot independently justify delaying an otherwise feasible State election. Any extension must satisfy the existing constitutional conditions, and judicial review must remain available. Otherwise, the pursuit of nationwide simultaneity could normalise centrally administered interludes in politically fragmented States.

VII. AN ACCOUNTABILITY-PRESERVING STABILITY MODEL FOR INDIA

The constitutional choice need not be between the existing system unchanged and absolute synchronisation. A carefully designed model can make common cycles resilient while retaining responsible government. The following architecture rests on the principle that the House should attempt replacement before dissolution, but the people must remain the ultimate resolver of genuine deadlock.

First, the Constitution should recognise a regulated constructive vote of no confidence. A motion should identify a named successor and be signed by a meaningful but not prohibitive proportion

³² DELEGATION AND ACCOUNTABILITY IN PARLIAMENTARY DEMOCRACIES 1–30 (Kaare Strøm, Wolfgang C. Müller & Torbjörn Bergman eds., 2003). On the recognition of these features as part of the basic structure, see *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (India); *Indira Nehru Gandhi v. Raj Narain*, 1975 Supp SCC 1 (India); *Kihoto Hollohan v. Zachillhu*, 1992 Supp (2) SCC 651 (India); *S.R. Bommai*, *supra* note 12; *L. Chandra Kumar v. Union of India*, (1997) 3 SCC 261 (India).

³³ INDIA CONST. art. 368(2) proviso; see LAW COMMISSION OF INDIA, *supra* note 28, ¶ 12.4, at 122 (recommending that ratification by not less than one-half of the States be sought “as an abundant caution”, although in the Commission's view the proviso was not attracted).

³⁴ INDIA CONST. art. 356(3)–(5).

of the total membership; ten per cent would deter frivolous notices without enabling the government to block serious challenges. Admission should be rule-bound, and voting should occur within a short fixed window. Passage should require a majority of the total membership of the House. This avoids a government changing on an artificially low attendance while preserving the ordinary majority principle.³⁵

Secondly, the constructive vote should not be the exclusive method of demonstrating loss of confidence. Defeat on an expressly designated confidence motion or appropriation bill, resignation of the head of government, or an authoritative finding that the ministry no longer commands majority should activate a government-formation period. During perhaps fourteen days, the House may elect a successor through an investiture vote. This prevents constitutional evasion through alternative forms of defeat.

Thirdly, the incumbent should operate under enforceable caretaker conventions during the formation period. It should avoid major appointments, irreversible contracts, significant policy changes and use of investigative agencies except where urgency requires action. Decisions outside routine administration should be publicly reasoned and, where feasible, consulted upon with the recognised opposition. India's largely conventional caretaker practices should acquire statutory minimums because ONOE may lengthen or intensify transitional periods.

Fourthly, dissolution should be constrained but not abolished. It should occur only when: no candidate obtains investiture within the formation period; the House itself resolves by a supermajority that viable government is impossible; or an extraordinary constitutional circumstance makes continuation impracticable.³⁶ The President or Governor should issue a reasoned order, subject to expedited judicial review. An incumbent that has lost confidence should have no unilateral right to force dissolution before alternatives are tested.

Fifthly, the remainder-of-term rule needs a minimum-mandate safeguard. If more than, for example, eighteen months remain in the common cycle, the newly elected House may serve the remainder. If less remains, two alternatives deserve consideration. The election might be combined with a full-term reset for that State followed by resynchronisation at a later permissible window; or an elected interim House might continue through the next full cycle,

³⁵ See generally Sushma Sharma & Subodhika Sharma, *Exploring the Feasibility, Challenges and Implications of Simultaneous Elections in India*, 4 INDIAN J. INTEGRATED RSCH. L. 1097 (2024), <https://ijirl.com/wp-content/uploads/2025/01/EXPLORING-THE-FEASIBILITY-CHALLENGES-AND-IMPLICATIONS-OF-SIMULTANEOUS-ELECTIONS-IN-INDIA.pdf>. Cf. GRUNDGESETZ [GG] [Basic Law] art. 67(1) (Ger.) (successor elected “by the vote of a majority of its Members”); CONSTITUCIÓN ESPAÑOLA [C.E.] art. 113(1)–(2) (Spain) (motion of censure carried by an absolute majority of the Congress, proposed by at least one-tenth of the Deputies and naming a candidate for the Presidency of the Government).

³⁶ GIOVANNI SARTORI, *COMPARATIVE CONSTITUTIONAL ENGINEERING: AN INQUIRY INTO STRUCTURES, INCENTIVES AND OUTCOMES* 106–135 (2d ed. 1997).

creating a one-time extended term within a constitutionally fixed cap. Each option has costs, but either is more candid than routinely asking citizens to elect a government for a few months. No House should be elected for a period so short that meaningful legislative accountability cannot operate.

Sixthly, defection adjudication must be integrated with confidence procedure. A neutral or time-bound mechanism should determine pending Tenth Schedule questions before, or immediately following, the decisive vote. The Supreme Court has repeatedly confronted delays by Speakers. ONOE increases the systemic consequences of such delay. A constitutional amendment could create an independent tribunal headed by a retired judge, or require the Speaker to decide within a strict period subject to automatic transfer to a judicial forum. Whatever institution is chosen, membership uncertainty must not be strategically maintained.

Seventhly, anti-defection law itself requires recalibration. Binding legislators on the identity of the government has a stronger justification than binding them on every ordinary bill. Whips could be confined to investiture, confidence, no-confidence and appropriation measures, allowing greater deliberation elsewhere. This would combine governmental stability with meaningful legislative accountability. A constructive vote imposed on top of an overbroad whip system might secure only leadership stability; narrowing the whip would make the House a more genuine checking institution.

Eighthly, federal consent must be built into implementation. States should participate in designing common-cycle windows, contingency rules and logistics. The constitutional amendment should be ratified by at least half the States as a matter of federal legitimacy even if Parliament concludes that the proviso to Article 368 is not formally attracted. A standing intergovernmental council on simultaneous elections could review exceptional postponements and publish non-binding assessments, leaving the Election Commission's constitutional authority intact while strengthening transparency.

This model deliberately accepts that synchronisation may occasionally fail. A constitutional framework that cannot tolerate exceptions will generate coercive devices to preserve uniformity.³⁷ Resilient synchronisation is better than rigid simultaneity: elections normally occur together, but representative legitimacy prevails when the two conflict. The aim should be a stable rhythm, not an inviolable date.

³⁷ Shubhank Khare, *One Nation One Election in India*, 5 INT'L J.L. MGMT. & HUMAN. 1309 (2022), <https://ijlmh.com/paper/one-nation-one-election-in-india/>.

VIII. DEMOCRATIC CONSEQUENCES: WHO PAYS FOR STABILITY?

Institutional reform is often evaluated by asking whether it produces stability. A more revealing question is who pays for that stability. Under a remainder-of-term system, voters in a State experiencing collapse pay through a shortened mandate. Under a strict constructive-vote system, opposition parties pay by having to coordinate, but citizens may pay if an unpopular minority government becomes difficult to remove.³⁸ Under frequent dissolution, the public pays financially and administratively, while representatives escape the responsibility of forming a government. Every design allocates risk.

ONOE's dominant defence quantifies visible costs: election expenditure, personnel deployment and policy interruption. Accountability costs are harder to measure. How should constitutional analysis price an additional year during which a ministry lacking majority remains protected? What is the democratic cost of turning a State election into a brief interim contest? What is lost when regional issues are submerged in a national campaign, or when a State's constitutional crisis is resolved according to the Lok Sabha's clock? Administrative savings do not answer these questions.

The language of "policy paralysis" also demands scrutiny. The Model Code of Conduct restricts certain governmental announcements during elections, but ordinary administration continues. If repeated elections produce excessive restrictions, a narrower and clearer Code may be a more proportionate reform than reconstructing legislative tenure. Similarly, if campaign finance is the problem, expenditure regulation, transparency and public funding deserve direct attention. Constitutional redesign should not become a substitute for enforcing ordinary electoral law.

Nor is frequency necessarily democratic fatigue. Elections permit citizens to distinguish national, State and local performance. Staggered elections generate recurring accountability and allow political learning across jurisdictions. Simultaneous polls may increase turnout or convenience, but they may also create coattail effects and nationalise State debate. The empirical effects are contestable and may vary. Stability arguments should therefore be framed as hypotheses requiring continuing evidence, not as self-validating constitutional truths.

At the same time, romanticising permanent elections is equally mistaken. Campaigning can polarise administration, divert public officials and incentivise continuous short-term promises. Smaller parties may struggle with repeated fundraising. Voters can become saturated. A

³⁸ A. Shaji George, *One Nation, One Election: An Analysis of the Pros and Cons of Implementing Simultaneous Elections in India*, 2 PARTNERS UNIVERSAL INT'L RSCH. J. 40 (2023), <https://doi.org/10.5281/zenodo.8348173>.

common cycle may create a meaningful governing interval. The point is proportionality: secure those benefits with the least impairment of responsible government and State autonomy.

The proposed accountability-preserving model changes the distribution of cost. Legislators seeking removal bear the initial burden of producing an alternative. Party leaders bear the burden of transparent coalition agreements. The incumbent bears caretaker restrictions once confidence is genuinely doubtful. Constitutional authorities bear duties of reason-giving. Courts bear responsibility for expedited review. Only after those institutions fail do voters bear the cost of a fresh election, and even then they receive a mandate of meaningful duration.

This distribution reflects a broader theory of representative responsibility. Elections authorise legislators not merely to support a pre-announced executive but to sustain constitutional government across unforeseen events. Coalition reconstruction is not necessarily betrayal; it may be parliamentary government performing its function. But reconstruction must be public, recorded and reviewable through the next election. Secret agreements, delayed disqualification and partisan gubernatorial action corrode legitimacy because they obscure who assumed responsibility.³⁹

The thought-provoking implication is that ONOE may require India to decide what elections mean. If voters directly choose a Prime Minister or Chief Minister in all but name, then replacing a government within the House appears democratically suspect and fresh elections seem necessary. If voters choose a legislature empowered to form and reform governments, constructive no-confidence is entirely coherent. India's constitutional text adopts the latter model, while political campaigns increasingly resemble the former. No technical amendment can resolve that tension without acknowledging it.

The reform should therefore be accompanied by democratic education and disclosure. Ballots remain constituency-based; executives derive authority through legislative confidence; coalitions may change; and elections are not plebiscites on one national leader. ONOE must not deepen the presidentialisation of parliamentary politics. Its legitimacy depends upon revitalising, rather than eclipsing, the legislature.

IX. CONCLUSION

One Nation, One Election presents India with a constitutional paradox. To create electoral stability, the State may be tempted to weaken the mechanisms through which governments remain accountable. Yet a system that guarantees the electoral calendar by insulating power

³⁹ IVOR JENNINGS, *CABINET GOVERNMENT* 1–32, 460–483 (3d ed. 1959).

would preserve the shell of elections while diminishing parliamentary democracy between them. Conversely, a system in which every coalition fracture automatically produces a fresh poll makes representative institutions incapable of absorbing political disagreement. Neither rigidity nor perpetual election is constitutionally satisfactory.

The Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024 chooses continuity of the common cycle through unexpired-term elections. That solution is administratively clear but democratically incomplete. It risks unequal mandates, short-term governance and strategic manipulation of collapse. More fundamentally, it regulates what follows dissolution without sufficiently structuring the constitutional steps that should prevent unnecessary dissolution.

A constructive vote of no confidence offers a better starting point because it links the power to remove with the responsibility to replace. But it is not a magic formula. Without investiture rules, dissolution safeguards, caretaker limits, prompt defection adjudication and transparent floor procedure, it could entrench governments or concentrate power in party leadership. Comparative borrowing must therefore be adapted to India's institutional realities.

The proper constitutional objective is accountable continuity. A ministry must remain removable by a legislative majority; the House must first attempt to form an alternative government; dissolution must remain available after genuine deadlock; and any mid-cycle election must confer a mandate long enough to be democratically meaningful. Federal consent and judicial review must guard against the national calendar becoming a device for subordinating State political life.

The stability worth seeking is not the stillness of an executive protected from challenge. It is the capacity of constitutional institutions to process challenge without breakdown. Accountability worth preserving is not the multiplication of election dates. It is the continuing duty of those who exercise power to justify, retain or relinquish it. ONOE should succeed only on those terms. When synchronisation conflicts with responsible government, the calendar must yield.
