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# Constitutional aspects and Challenges for Implementing One Nation One Election

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## ABSTRACT

*The principal advantage of 'One Nation, One Election' is in the decrease in election expenses, as holding separate elections calls for substantial financial outlays. Additionally, it would lessen the workload for the security and administrative personnel, who would not have to do election-related tasks repeatedly. The Law Commission claims that as it will be easier for voters to cast multiple ballots at once, simultaneous elections will boost voter turnout. Additionally, the administration can concentrate more on governance rather than elections, which frequently impede the implementation of policies. However, in a nation like India, implementing one nation, one election would be a challenging task because it would seriously jeopardize not just the Constitution as a whole but also a number of political and constitutional concepts like democracy and federalism. The premise of "One nation, One election" is frequently criticised for raising fears that national parties and their leaders will eclipse regional parties and their leaders. The primary obstacle to implementing one nation, one election in India is the necessary Constitutional amendment. According to the Law Commission's recommendations, implementing one nation, one election in India will require a minimum of five constitutional amendments. The authors of this chapter not only aimed to draw attention to the significant constitutional obstacles that stand in the way of India's one nation, one election policy, but also to the different political and social issues that could pose an obstacle to the concept.*

**Keywords:** constitution, one nation one election.

## I. INTRODUCTION

In the India the first general elections, in 1951–1952, coincide with every Vidhan Sabha poll, a practice that was carried out for the next three Lok Sabha elections, in 1957, 1962, and 1967. A number of states saw hung assemblies in 1968–1969, which halted the trend. Under the Smt Indira Gandhi government, the Lok Sabha was prematurely dissolved in 1970, and new elections were called for 1971. Article 352 extended the fifth Lok Sabha's tenure till 1977. According to the 1999 Law Commission's 107th report, which also stated that separate elections

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for a legislative assembly should be "an exception not the rule." In its 2018 draft, the 22nd Law Commission suggested "restoring" simultaneous polling. The plan was supported in 2015 by the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, which also provided a number of recommendations for resolving potential hot spots. Among those who reportedly supported it were the Indian Union Muslim League, Asom Gana Parishad, Shiromani Akali Dal, and the AIADMK. It was rejected as undemocratic and unworkable by the All India Trinamool Congress, the Indian National Congress, the Nationalist Congress Party, and the Communist Party of India. A two-phase transition to simultaneous polling beginning with the 2019 Lok Sabha elections was proposed in a Niti Aayog report in 2017. Although there was no such thing during the previous general elections, there has been a lot of synchronisation on a uniform electoral roll since then. The concept of "One Nation, One Election" requires national homogeneity even in the case if India had a flawless democracy. India is a diversified country, with several areas dealing with various problems, which has an impact on state politics and election schedules. Therefore, a one-size-fits-all strategy might result in serious political backlash and is at odds with the diversity of the country.

Conduct of General Elections in India for electing of a new House of the People (Lower House of Indian Parliament), involves management of the largest event in the world. The electorate exceeds 912 million, voting in nearly 9, 27,553 polling stations, spread across widely varying geographic and climatic zones.

In the ongoing Winter Session of Parliament, Union Finance Minister Nirmala Sitharaman tabled the first batch of supplementary demand for grants for 2023-'24 in the Lok Sabha that included an additional Rs 3,147.92 crore for election-related expenditure and Rs 73.67 crore for the Election Commission's (EC) administration. Organization General election in India is one of the most expensive affair in the world. The government has asked Parliament for permission to spend an extra Rs 3,147.92 crore on the exercise and electronic voting machines (EVMs), bringing the total proposed cost on the polls to almost Rs 5,000 crore, with only a few months left before the 2024 Lok Sabha elections. On December 6, Finance Minister Nirmala Sitharaman presented the first round of supplemental grant requests for 2023–2024 to the Lok Sabha, proposing a total of Rs 1.29 lakh crore in additional spending. Of that, Rs 73.67 crore was suggested for the Election Commission's administrative costs and Rs 3,147.92 crore for the Law Ministry's election-related expenses<sup>3</sup>. The formula of One Nation One Election may reduce the

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<sup>3</sup> Damini Nath, Govt proposes Rs 3,000 crore additional funds for LS polls, total spending to go past Rs 5,000 crore, <https://indianexpress.com/article/india/govt-proposes-rs-3000-cr-additional-funds-for-ls-polls-total-spending-to-go-past-rs-5000-cr-9062657/> (Last accessed on January 13, 2024).

Election cost in the country.

In The Case of *Mohinder Singh Gill*<sup>4</sup> Supreme court held that Article 324 contains plenary powers of Election Commission of India to conduct free and fair elections in the country and it is well established fact that free and fair elections cannot be conducted with maximum and easy participation of the voters. So one nation one election can also solved this issue in Indian Democracy.

## II. CONSTITUTIONAL CHALLENGES FOR IMPLEMENTATION OF THE ONE-NATION, ONE-ELECTION SYSTEM

The entire debate began in May 1999 following the release of the 170th report by the Indian Law Commission, which was chaired by Justice BP Jeevan Reddy. The report suggests that the annual cycle of elections, ought to be discontinued. Elections to the Lok Sabha and all Legislative Assemblies have to take place at the same time<sup>5</sup>. On December 17, 2015, the Parliament Standing Committee headed by Dr. EM Sudarsana Natchiappan on Personnel, Public Grievances, Law, and Justice published its report on the 'Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies'. The Committee observed that holding simultaneous elections would lessen the burden of enormous costs associated with holding separate elections, the impact on the delivery of essential services, and the policy paralysis brought on by the imposition of the Model Code of Conduct during elections<sup>6</sup>.

The Indian Constitution's Article 83(2) states that the house of people would be in session for a period of five years. A similar clause in Article 172(1) stipulates that the state legislature's term shall begin on the date of its first meeting and continue for five years. Therefore, it is evident from these two clauses that in order to carry out the one nation, one election policy, the term of state legislators must be reduced or increased. There are no provisions in the Indian constitution currently in place to accomplish the same. Although the president and the corresponding governers have the authority to dissolve the houses, constitutional reforms are still required in order to carry out the one nation, one election policy. Future constitutional amendments were also acknowledged in the draft report of the Indian Law Commission, which was presided over by Justice BS Chauhan. The draft study, which is available to the public, recommended

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<sup>4</sup> *Mohinder Singh Gill Vs Chief Election Commissioner of India*, 1978 AIR 851

<sup>5</sup> The Law Commission Report available at [https://lawcommissionofindia.nic.in/cat\\_electoral\\_reforms/](https://lawcommissionofindia.nic.in/cat_electoral_reforms/) (last visited on January 24, 2024)

<sup>6</sup> The standing committee report available at [https://legalaffairs.gov.in/sites/default/files/simultaneous\\_elections/79th\\_Report.pdf](https://legalaffairs.gov.in/sites/default/files/simultaneous_elections/79th_Report.pdf) (last visited on January 24, 2024)

amending both the Representative of the People Act 1951 and the Constitution.

Some scholars also suggested that one nation one election policy will be direct attack on the democracy of India because tenure of Lok Sabha is discretion of union executive and tenure of state executive is discretion of state executive so fixing the term for five years is not feasible for the recent political scenario of our country.

Article 356 of the Indian Constitution presents another difficulty since it will then be a rule rather than an exception. According to the Indian Constitution, a president can only be in office for a maximum of six months, although in extraordinary cases, this can be extended. However, following the introduction of one nation, one election, a president's term as governor of any state ends on the day of the subsequent election. In *SR Bommai case*<sup>7</sup> it was observed by the Supreme court of India that Article 356 of the Indian Constitution deals with the imposition of presidential rule on a state. Accordingly, it fulfils the function of removing the Chief Minister and other ministers, and the Governor of that state immediately gains control over the administration. The nation's president appoints the governor, who, like this administration, reports directly to the national government. As a result, the idea of the federal government is disrupted by presidential rule since it is based on the idea of the union-state relationship, in which both parties manage administration according to certain criteria. Since the elected authority is suspended and taken out of office, this is against democratic ideology as well.

In case of no confidence motion it is also possible to dissolve the respective houses and in case of implementation of one nation one election constitution of India need to be taken care of such situation. Also in case of hung assembly what should be the measure taken for the implementation of one nation one election policy.

### III. CONCLUSION

Among the important changes on the current central government's agenda is "One nation, One election." In reality, this was one of the improvements the government suggested, as former Indian President Ram Nath Kovind noted in his January 2018 speech to Parliament. According to him, the regular elections that negatively affect the nation's economy and progress are a source of concern for the populace in many parts of the nation. The Prime Minister has stated unequivocally that a single national election is desirable. However, implementing new modifications in any system is a difficult task that calls for a lot of work and successfully overcoming obstacles. Particularly with regard to electoral reforms, things got trickier and

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<sup>7</sup> S.R. Bommai vs Union Of India, 1994 AIR 1918

trickier.

So it is noticeable that government has a way forward to go for the implementation one nation one election policy. First challenge is building consensus on the necessity and viability of simultaneous elections between all political parties and states. Various stakeholders could engage in discussion, consultation, and deliberation to accomplish this. To facilitate simultaneous elections, The constitution of India, the Representation of the People Act of 1951 and the Rules of Procedure of the Lok Sabha, and the State Assemblies have all been amended. A two-thirds majority in both chambers of Parliament and ratification by at least half of the states would be necessary for this. Creating a legal framework to address potential outcomes of simultaneous elections, such as no-confidence motions, early assembly dissolution, hung parliaments, etc is also a Herculean task for the government. The government should take its time implementing One nation one Election; instead, it should carry out further research, assess the data, and get input on the concept's application from local parties, opposition party leaders, and voters. Therefore, it is up to Government of India to determine whether or not "One Nation, One Election" should be adopted.

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