

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 6

2024

© 2024 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

One Nation One Election: An Overview

SNEHANSU RAY¹

ABSTRACT

The concept of “One Nation, One Election” (ONOE) seeks to streamline India’s electoral process by conducting simultaneous elections for the Lok Sabha, State Legislative Assemblies, and local bodies. This policy, while conceptually appealing due to its administrative and economic benefits, raises critical debates around its constitutional implications and practical feasibility. Historically, simultaneous elections were the norm in India until political instability in the late 1960s disrupted this synchronization. Recent legislative developments, including the introduction of the Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024, signal the government’s intention to institutionalize this model. Advocates argue that ONOE can significantly reduce electoral costs, minimize policy paralysis caused by frequent impositions of the Model Code of Conduct, and enhance voter participation. Economically, the policy could foster stability, with projections suggesting a potential GDP growth boost. However, critics highlight its challenges, including risks to free and fair elections, centralization of power undermining federalism, and marginalization of regional parties in a consolidated electoral framework. The policy necessitates constitutional amendments to Articles 83, 172, 85, 356, and others to align election cycles and address contingencies like government dissolution. Furthermore, creating a unified electoral roll and synchronizing electoral machinery across levels of governance present substantial logistical hurdles. Globally, simultaneous elections are practiced in countries like South Africa, Sweden, Indonesia and Germany, each with distinct operational models. These examples offer valuable insights but underscore the need for meticulous planning and adaptation to India’s unique democratic and federal structure. While ONOE promises a transformative approach to electoral reforms, its successful implementation depends on achieving a robust constitutional framework, political consensus, and safeguarding democratic principles. The proposal remains a double-edged sword—poised between efficiency and the risk of eroding India’s electoral ethos.

Keywords: *One Nation One Election, federalism, free and fair election, growth.*

¹ Author is a student at Government Centre of Legal Education, India.

I. INTRODUCTION

The One Nation One Election policy is a topic of contemporary relevance due to the complexities of it both from a policy point of view and because of its constitutional implications. This policy aims to synchronise elections for the Lok Sabha, State Assemblies, and local bodies so that they can be conducted within a specific time frame. The Indian system of Parliamentary form of Government is borrowed from the United Kingdom. Here we have different tiers of it, such as The Central Government which is elected by the National Elections, respective elections for the State Legislative Assemblies and elections for local bodies such as for the Panchayats and the Municipalities. ‘Simultaneous General Elections are General Elections that are held at the same time for several types of elections at once’². According to Shugart, Simultaneous General Elections are general elections conducted at the same time to elect office holders at the national and regional levels, related to parliamentary candidates³. To summarise the One Nation One Election is a model to consolidate all types of elections that take place in the Country in a singular framework and time frame. As of now “One Nation, One Election” is just a concept rather than a reality with a few trials in the past. In its core this concept simply envisages a system where elections to all State Assemblies and the Lok Sabha (House of People) will have to be held simultaneously. In order to make this concept and the trials in the past a norm legislature will have to restructure the Laws related to elections and the government needs to restructure the Indian election cycle⁴. Union Law Minister Arjun Ram Meghwal presented the bill on 17th December, 2024. Since then the issue has sparked controversy and now is a focal point of discussion in the media. After the bill is introduced it can be said the government doesn’t consider the ONOE a mere concept anymore and they have a plan for its implementation. The Lok Sabha on 20th December, 2024 approved a 39-member joint parliamentary committee (JPC) to examine The Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024 and the amendments to the Government of Union Territories Act, 1963, the twin bills that aim to usher in simultaneous state and national elections⁵.

² Sugato Dasgupta, “Coordinated voting in sequential and simultaneous elections: some experimental evidence,” *Experimental Economics* 11 (2007)

³ Matthew Soberg Shugart, “The Electoral Cycle and Institutional Sources of Divided Presidential Government,” *The American Political Science Review* 89 (Jun 1995).

⁴ Sankalpita Pal, One Nation One Election: Why? and Why not? (June 08, 2020) <https://www.latestlaws.com/articles/one-nation-one-election-why-and-why-not>.

⁵ 39-member JPC to examine One Nation One Election bills formed, *Hindustan Times*, (December 21, 2024), <https://www.hindustantimes.com/india-news/39member-jpc-to-examine-onop-bills-formed-101734721058736.html>

II. HISTORY AND DEVELOPMENT OF ONE NATION ONE ELECTION POLICY IN INDIA

Simultaneous electoral polls aren't something that hasn't happened before in India. From the first election in 1951 till 1967 polls were conducted in that manner. But then slowly and steadily the Lok Sabha elections and the elections to Legislative Assemblies got dissociated for several reasons⁶. The major reason was heavy political crisis and instability after 1967 because of which many governments collapsed before completing its full term which broke the synchronised process as there were necessities to conduct elections before the due time. However there was always voices that advocated for the previous method of simultaneous elections. In the words of Prof. Upendra Baxi "A reform to cleanse the system is required to make democracy more robust, from limiting expenditure, to holding simultaneous elections, declaring results for a combination of booths instead of constituencies"⁷. The Election Commission's recommendation in 1983, The Law Commission in its 170th Report in 1999 and NITI Aayog in 2017 all recommended in favour of the Simultaneous Electoral System⁸. In 2023 a Committee was setup under the chairmanship of former President of India Mr. Ram Nath Kovind The High level Committee on Simultaneous Elections submitted its Report, comprising 18,626 pages to the President of India in March, 2024. After this report was presented the ONOE policy became a topic of debate and now again with the introduction of the bills in the parliament, it can be said without any doubt that the larva has taken the shape of pupa and is waiting to become the butterfly.

(A) Advantages of the policy :-

1. An estimation says the total cost of the 2024 General Elections were nearly 1.35 Lakh Crore Rupees⁹. Since there are multiple elections which takes place, the expenditure for the elections is huge. Consolidating elections reduces costs related to administrative and security arrangements since there doesn't need to be multiple arrangements.

2. Frequent elections disrupt governance due to the Model Code of Conduct which creates a situation of policy paralysis. According to the M.C.C Announcement of new projects or programme or concessions or financial grants in any form or promises thereof or laying of foundation stones, etc., which have the effect of influencing the voters in favour of the party in

⁶ Law Commission of India , 170th Report, 1999

⁷ Raju Ramachandran, Upendra Baxi & Shashi Tharoor, Do we need a presidential system? (March 24, 2017) <https://www.thehindu.com/opinion/op-ed/do-we-need-a-presidential-system/article17617761.ece>

⁸ Nikita Yadav, Decoding India's 'One Nation, One Election' plan, BBC News, (December 17, 2024), <https://www.bbc.com/news/articles/cly7vjp73zvo>

⁹ Aishwarya Palliwal, Most expensive polls ever? India Today, (May 31, 2024, 11.43 PM) , <https://www.indiatoday.in/elections/lok-sabha/story/lok-sabha-election-2024-expenditure-election-commission-2546455-2024-05-31>

power is prohibited¹⁰. Therefore no new policies welfare schemes are implementable during elections. Greater number of elections denote larger duration of policy paralysis. ONOE could minimise such disruptions, enabling smoother policymaking because consumption of time will be lesser in case of simultaneous elections.

3. The ONOE model encourages enhanced voter participation as voters won't need to vote in multiple occasions which might help in increasing number of voters in single election procedure. The report of Election Commission stated that the voter turnout in 2024 general elections were 65.79%. This could increase significantly in the future according to proponents if the ONOE is implemented properly.

4. It is also said that ONOE policy aims to increase the economic output and growth of the country as it aims to bring stability in the overall governing process of the country. Former President of India Ram Nath Kovind said "Once the proposal becomes fully functional in 2029-2030, or say at a later date, as it might take 5-10 years to have simultaneous polls, voters won't have to head to polling stations every year for one poll or another. This will also lead to economic growth as the GDP growth of the country will rise by 1.5 per cent from 7.23 per cent at present."¹¹

III. CONSTITUTIONAL AND LEGAL IMPLICATIONS

(A) Federalism:- Now our Indian Constitution was considered a quasi federal one by Sir K.C Wheare. Sir Ivor Jennings also characterised it as "India has a federation, with strong centralizing tendency". From several Articles such as Article 1 which describes "India as an Union of States" to the provisions of Articles 245-255, 256-263 and 264-293 which distribute the legislative, executive and financial powers among the Centre and State reflects the demarkation of power. The Supreme Court in the Keshavananda Bharti's case¹² and S.R Bommai's case¹³ held federalism to be a part of the basic structure. Dr. B.R Ambedkar had no misgivings about the federal nature of the constitution. He stated in the Constituent Assembly: The basic principle of Federation is that the Legislative and Executive authority is partitioned between the Centre and the States not by any law to be made by the Centre but by the constitution itself. The chief mark of federalism as said lies in the partition of the legislative and executive authority

¹⁰ Code of Conduct Do's and Dont's- Election Commission of India

¹¹ One Nation One Election will galvanise process and lead to economic growth, says Kovind, Deccan Herald, (December 17, 2024, 6.00 PM), <https://www.deccanherald.com/india/one-nation-one-election-will-galvanise-process-and-lead-to-economic-growth-says-kovind-3321339>

¹² Kesavananda Bharati Sripadagalvaru v. State Of Kerala And Anr , AIR 1973 SC 1461.

¹³ S.R. Bommai vs Union Of India , AIR 1994 SC 1918

between the Centre and the Units of the constitution. This is the principle embodied in our constitution. There can be no mistake about it¹⁴. However the ONOE policy centralises power and the elections might get more dependent on the Centre which undermines the State's constitutional position. Federalism should not only imply that the subsequent distribution of powers after elections are done in accordance with the Constitution but it shall also mean that the procedure by which such governments are elected is in accordance with federalism.

(B) Free and Fair Elections:- After the judgment of the Supreme Court in *Indira Nehru Gandhi v. Raj Narain*¹⁵ “Free and Fair Elections” are also part of the basic structure. But the ONOE policy though aims to bring uniformity in the electoral procedure but in practicality there are high chances that it might increase the malpractices as the stakes get significantly higher in case of a consolidated election. Conducting simultaneous elections across the vast and diverse Indian electorate poses significant administrative challenges, potentially compromising free and fair elections. “The election philosophy and the principle of Democracy is government by the people. It is a continual participative operation, not a cataclysmic, periodic exercise. The little man, in his multitude, marking his vote at the poll does a social audit of his Parliament plus political choice of his proxy. Although the full flower of participative Government rarely blossoms, the minimum credential of popular government is appeal to the people after every term for a renewal of confidence. So. we have adult franchise and general elections as constitutional compulsions. 'The right of election is the very essence of the constitution'. It needs little argument to hold that the heart of the Parliamentary system is free, and fair elections periodically held, based on adult franchise, although social and economic democracy may demand much more”¹⁶. The following observation by the Supreme Court encompasses all the important facets of an election in a democracy and therefore if the importance of elections are evaluated in the light of the ONOE policy it seems pretty fair to say the policy can compromise or weaken the electoral standards by means of corruption, malpractice, horse-trading etc. which essentially puts the democracy at risk. Also because of simultaneous elections the regional parties might get overshadowed by the big guns i.e the national parties. The voters will tend to vote in favour of a party which is to have an upper hand in the central election also as if the

¹⁴ Brij Kishor Sharma, Introduction to constitution of India 40 (PHI, Delhi, 2011)

¹⁵ AIR 1975 SC 2299.

¹⁶ Mohinder Singh Gill & Anr vs The Chief Election Commissioner, AIR 1978 SC 851.

state and central government belong to the same political group the chances of better policies increase significantly. This would lead to larger national parties winning both State and Lok Sabha elections thereby marginalising regional parties which often represent the interests of local social and economic groups¹⁷.

(C) Necessary Constitutional Amendments :- For the ONOE to be functional there will be a necessity for amendment in the provisions of the Constitution.

- **Articles 83(2) and 172(1)** prescribe the durations of the House of People and State Legislative Assembly which is 5 years. But since presently there are elections going on at different period of times such as the National Elections took place in 2024 whereas the State Election of W.B will take place in 2026 So to bring uniformity there will need to be amendments to the said articles. Also since in case of premature collapse of a government the new government can be elected for a specific period of time upto the next election cycle the time of 5 years needs to be changed.
- ONOE tries to set a fixed term for the governments so that the elections can be conducted in a decided time frame not before or after that . However for this to be operational amendments would need to be made to **Article 85(2) and 174(2)** which would modify the limit of the President's Governor's power to dissolve House of People and State Legislative Assembly respectively ,maintaining synchronised election cycles.
- Amendment will be needed to **Article 356** also to ensure how a State is functioned in case of failure of Constitutional machinery in the said state. Previously the ultimate object of Article 356 was restoring a State Government in the State but due to this scheme there remains a possibility that the Centre through the president might continue emergency till the prescribed period under Article 356(4) which is again against federalism.
- Amendments would also be necessary to the provisions of **Articles 324, 325 , 243K and 243ZA**. The ONOE policy highlights that the elections in the municipal and panchayat levels should be conducted within 100 days of the consolidated National and state elections.¹⁸
- The Kovind Committee highlighted inefficiencies in electoral roll preparation by State Election Commissions and recommended creating a Single Electoral Roll and Single EPIC

¹⁷ Bibek Debroy and Kishore Desai, 'Analysis Of Simultaneous Elections: The "What", "Why" And "How" A Discussion Paper', (NITI Aayog, 2017)

¹⁸ One Nation One Election, PIB, (December 17, 2024, 10.42 AM), <https://pib.gov.in/PressReleaseDetailm.aspx?PRID=2085082®=3&lang=1>

for all three tiers of government. This would reduce duplication and errors, safeguarding voter rights¹⁹. But for converting the old sets, changes would be necessary.

- Also due to the structural changes there might arise a situation where both the **10th Schedule** and the **Representation of the People Act, 1951** will need changes.

IV. INTERNATIONAL FRAMEWORK

The model of simultaneous election has been adopted in many countries. Many democracies have opted for such method to avoid unnecessary complexities that arise from multitiered elections. However the simultaneous system is not uniform in its operation across different countries and they have been implemented differently. There is also a different model called the fixed dates for election model and also a fixed term for legislatures model. There are the various models that are seen across different countries.

In South Africa, elections to national as well as provincial legislatures are held simultaneously for five years and municipal election are held two years later. In Sweden election to national legislature (Riksdag) and provincial legislature/county council (landsting) and local bodies/municipal Assemblies (Kommunfullmaktige) are held on a fixed date i.e. second Sunday in September for four years²⁰. Nepal has the experience of holding national and state elections simultaneously once in 2017.

On August 21, 2017, the Nepal government ordered the holding of national and state elections across the country simultaneously. However Election Commission of Nepal raised concerns about the difficulty of organising such concurrent elections across the country. The government then went for a two-phase election with a gap period²¹.

The German model of election is also considered a benchmark in case of simultaneous elections. The German electoral system is classified as a personalised proportional system ("Personalisierte Verhältniswahl") or, as it is known in New Zealand as a Mixed Member Proportional (MMP) system. Its essence is the way in which it combines a personal vote in single-member districts with the principle of proportional representation²². In Germany Each

¹⁹ One Nation One Election, PIB, (December 17, 2024, 10.42 AM), <https://pib.gov.in/PressReleaseDetail.aspx?PRID=2085082®=3&lang=1>

²⁰ Department-Related Parliamentary Standing Committee On Personnel, Public Grievances, Law And Justice, 79th Report, Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies, (December 17, 2015).

²¹ Yudhajit Shankar Das, One nation, one election? India will enter a 3-country club, India Today, (September 1, 2023), <https://www.indiatoday.in/india/story/one-nation-one-election-india-will-be-among-countries-that-hold-simultaneous-polls-2429716-2023-09-01>.

²² ACE Project, Germany: The Original Mixed Member Proportional System, https://aceproject.org/ace-en/topics/es/annex/esy/esy_de/mobile_browsing/onePag.

voter has two votes. The first vote is for single member constituencies and the second vote determines how many representatives will be sent from each party to the German Parliament(Bundestag).

Simultaneous Election methods are also adopted in Indonesia.The implementation of simultaneous elections in 2019 which is an order from the Decision of the Constitutional Court No. 14/PUU-11/2013 on simultaneous elections, aims to minimize state financing in the implementation of elections, minimize high-cost politics for election participants, as well as the politics of money involving voters, abuse of power or prevent the politicization of bureaucracy, and streamline government work schemes²³.

Fixed dates for elections to assemblies and federal parliaments are a more common feature than simultaneous elections at different levels of the political structure in a country. Canada, a federal polity with a parliamentary form of government, has enacted legislation at both the federal level as well as in its provinces, providing for a fixed date for holding of elections, with the date now varying from province to province and following a different timetable for federal elections. In Australia, the terms of the federal Parliament and the state legislatures (most of them) are three and four years, respectively²⁴.

In the United Kingdom a legislation was passed named the Fixed Term Parliaments Act, 2011. Though prima facie the said Act might seem different from the One Nation One Election Policy but the FTPA also like the ONOE fixed the duration of the parliament. It was said that the Act "has led to paralysis at a time the country needed decisive action".²⁵ The Act was subsequently repealed in 2022.

V. CONCLUSION

President Abraham Lincoln once said "The ballot is stronger than the bullet." In the concept of democracy, the limitation of power is at the core of developing a country's constitutional system²⁶. Therefore it is essential in the interest of democracy that the ballot should be protected. In *People's Union for Civil Liberties (PUCL) v. Union of India*²⁷, the Supreme Court highlighted the importance of democracy based on adult franchise. Whether the decision of the One Nation One Election policy is for the "betterment of such democracy or will it result in it's detriment"-

²³ Rajagukguk, K. J., Aripin, S., & Wahyudi, H. (2021). Simultaneous General Election: It Is Fair for Democracy in Indonesia. *JIP (Jurnal Ilmu Pemerintahan) : Kajian Ilmu Pemerintahan Dan Politik Daerah*, 6(1), 56-64. <https://doi.org/10.24905/jip.6.1.2021.56-64>

²⁴ Simultaneous elections are a rarity around the world, *The Tribune*, (January 11,2024), <https://www.tribuneindia.com/news/comment/simultaneous-elections-are-a-rarity-around-the-world-580148/>

²⁵ *Conservative and Unionist Party Manifesto,2019*, Page-48

²⁶ Peter Sprent, *Metode Statistik Nonparametrik Terapan*. Jakarta: UI Press, 1991.

²⁷ AIR 2003 SC 2363.

only time can tell. Elections are the only way through which the people of this country can express their satisfaction or dissatisfaction towards a government. Voting is formal expression of will or opinion by the person entitled to exercise the right on the subject or issue²⁸. Therefore multiple elections at different times keeps them in check by making them more accountable to the people. The idea of “One Nation One Election” is a double-edged sword. While it offers administrative and economic benefits, it raises questions regarding free and fair election, representation, federalism and feasibility. Its implementation requires meticulous planning and a constitutional framework that respects India’s federal and democratic ethos. “The ‘One Nation, One Election ’proposal is a bold step towards electoral reform in India. There must be political consensus at every step of the legislative process.²⁹”

²⁸ Lily Thomas Vs. Speaker, Lok Sabha, 1993 (4) SCC 234.

²⁹ Md Zakariya Khan, Explained: 'One Nation One Election initiative', key reforms and challenges, Business Standard, (December 18 2024), https://www.business-standard.com/india-news/one-nation-one-election-indiareform-bills-2034-124121800589_1.html