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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

ONE NATION, ONE ELECTION: A DEMOCRATIC REVOLUTION OR A FEDERAL DILEMMA?

AUTHORED BY - S. SRUTHI

Abstract:

The Indian Constitution recognizes the nation as a 'union of states' under Article 1, embodying federalism. Elections are held at different intervals for the central and state governments, overseen by the Election Commission of India (ECI). The idea of 'One Nation, One Election' has been a subject of debate, with proponents advocating for reduced costs, administrative efficiency, enhanced security, and higher voter turnout. Critics argue that it could compromise federalism, disrupt the democratic process in case of premature dissolution, and diminish regular electoral feedback. The experience of simultaneous elections in countries like Belgium, Sweden, South Africa, and Germany is considered, but their applicability to India's unique political structure is questioned. A major constitutional overhaul is necessary for its implementation, requiring extensive discussion and legal scrutiny.

Introduction:

The Indian Constitution under Article 1 defines the country as a 'union of states,' indicating a federal structure. The governance system is divided into central and state administrations, each elected separately. Initially, elections were held concurrently for both the Lok Sabha and state legislative assemblies, a practice that continued until 1967. However, due to premature dissolutions and shifting political trends, elections started being conducted separately.

Today, the Election Commission of India (ECI), under Article 324, oversees the electoral process. To implement simultaneous elections, constitutional amendments would be necessary, including changes to Article 83(2) and Article 172(1), which define the five-year tenure of the Lok Sabha and state assemblies, respectively.

Historical Background:

The first general election in 1951-52 was the closest India came to implementing 'One Nation, One Election.' At that time, both Lok Sabha and state assembly elections were conducted

simultaneously. This trend continued until 1967, after which political instability led to the premature dissolution of various state assemblies and even the Lok Sabha in 1971. This disrupted the electoral cycle, leading to separate elections.

The 79th report of the Parliamentary Standing Committee (2015) recommended reviving simultaneous elections, citing governance inefficiencies caused by frequent elections. Further, the Law Commission's 170th report (1999) and 255th report (2015) also examined its feasibility. An example of electoral disruption was the fall of the Morarji Desai government in 1979 and the subsequent early elections in 1980, which further fragmented the original synchronized election system.

Constitutional and Legal Aspects:

The ECI derives its powers from Article 324, enabling it to conduct and regulate elections. The Representation of the People Act, 1950 and 1951, provides the legislative framework for elections, including provisions under Section 14(2) and Section 15(2), which mandate that elections be held within six months before the expiry of the current government's term.

Key Constitutional Provisions:

- a. Article 83(2) – Defines the term of the Lok Sabha as five years unless dissolved earlier.
- b. Article 172(1) – Specifies a similar tenure for state legislative assemblies.
- c. Article 85(2)(b) & 174(2)(b) – Allow dissolution of the Lok Sabha and state assemblies before the completion of their tenure.
- d. Article 356 – Permits the imposition of President's Rule if a state government fails to function constitutionally.

Relevant Case Laws:

Indira Nehru Gandhi v. Raj Narain (1975) – This case upheld the basic structure doctrine, emphasizing that free and fair elections are a fundamental part of democracy. Any electoral reform must align with this principle.

Kihoto Hollohan v. Zachillhu (1992) – The Supreme Court ruled that ensuring free and fair elections is a constitutional mandate and cannot be compromised for administrative convenience.

S.R. Bommai v. Union of India (1994) – The Court reinforced that federalism is a fundamental

feature of the Constitution and any attempt to centralize elections must not undermine state autonomy.

RC Poudyal v. Union of India (1993) – Stressed the importance of electoral representation and regional diversity in maintaining democratic integrity.

Arguments in Favor of Simultaneous Elections:

1. Cost Efficiency

Elections in India are an expensive affair, with costs skyrocketing over the years. The first general election in 1951-52 had a relatively modest expenditure, but by 2014, the cost had escalated to approximately ₹3,870 crore, nearly doubling to ₹7,000 crore in the 2019 general elections. If separate state elections are included, the cumulative expenditure rises significantly. The Election Commission of India (ECI) estimates that conducting elections across different timeframes incurs heavy administrative, security, and logistical expenses.

A significant portion of election expenses is spent on deploying security personnel, setting up polling stations, printing ballots, and conducting voter outreach programs. The Law Commission's 170th report (1999) and the Parliamentary Standing Committee's 79th report (2015) have both recommended reducing the frequency of elections to optimize costs. For instance, the 2019 Lok Sabha elections were spread over seven phases, requiring extensive paramilitary deployment and disrupting routine governance. If elections were held simultaneously, these costs could be streamlined, leading to estimated savings of ₹12,000 crore.

The 2019 Lok Sabha elections required nearly 2,700 central armed police companies, costing around ₹10 lakh per company per day. A single nationwide election cycle could substantially reduce such recurring expenditures.

2. Ease of Administration

Frequent elections place an enormous burden on the Election Commission of India (ECI), state election bodies, and the administrative machinery. Conducting elections requires meticulous planning, involving voter registration, electoral roll updates, polling booth arrangements, and coordination with multiple governmental and law enforcement agencies. This process is repeated for every state election, causing logistical fatigue and diverting resources from governance.

In 2018, elections were held in states like Madhya Pradesh, Rajasthan, and Chhattisgarh, and

just months later, the country entered the general election mode for the 2019 Lok Sabha polls. This back-to-back election cycle led to prolonged enforcement of the Model Code of Conduct (MCC), disrupting government decision-making and delaying key policy announcements.

The Supreme Court in *A.C. Jose v. Sivan Pillai & Ors.* (1984) held that free and fair elections are the "basic structure" of the Constitution. Ensuring smooth electoral processes without excessive administrative burden aligns with this principle and strengthens democratic governance.

3. Security Concerns

One of the major challenges of conducting frequent elections in India is the massive deployment of security forces required to maintain law and order. Every election involves the movement of paramilitary forces across states, disrupting their primary duties such as border security, anti-terrorism operations, and disaster response.

During the 2021 West Bengal Assembly elections, large-scale violence erupted, requiring additional deployments of the Central Armed Police Forces (CAPF). The prolonged election process—held over eight phases—increased security risks and prolonged political tensions.

Simultaneous elections would allow security forces to be deployed efficiently and reduce the strain on resources. The Law Commission's 255th report (2015) noted that staggered elections not only overburden law enforcement but also escalate election-related violence and malpractices.

In countries like Germany and Sweden, elections are scheduled systematically, reducing the need for heavy security arrangements over extended periods.

4. Higher Voter Turnout

Voter fatigue is a major challenge in a country with frequent elections. Multiple elections within a short period can lead to lower voter engagement, as seen in some state elections where turnout declines compared to general elections.

A case study from Bihar showed that in the 2015 state assembly elections, voter turnout was 56.8%, whereas in the 2019 Lok Sabha elections, it was 58.1%—demonstrating how voter enthusiasm fluctuates between different election cycles. Combining elections could boost participation rates, as seen in local body elections in states like Maharashtra and Tamil Nadu, where higher turnouts were recorded when municipal and panchayat elections were held simultaneously with state elections.

The Supreme Court in *PUCL v. Union of India* (2013) recognized voting as an essential

democratic right. A well-structured election system that encourages maximum participation would uphold the constitutional mandate of free and fair elections.

5. Reduced Disruptions Due to the Model Code of Conduct (MCC)

The Model Code of Conduct (MCC) is enforced by the ECI during election periods to ensure free and fair elections. However, frequent elections mean that governance is often interrupted as the MCC restricts the announcement of new policies, infrastructural projects, and welfare schemes.

For instance, in 2018-19, elections were held in Rajasthan, Madhya Pradesh, and Chhattisgarh, followed by the Lok Sabha elections. This prolonged enforcement of the MCC delayed developmental projects and key economic decisions. The 79th Parliamentary Standing Committee report (2015) acknowledged that simultaneous elections would help minimize such disruptions and ensure smoother governance.

The Supreme Court in *Union of India v. Harbhajan Singh Dhillon* (1972) observed that governance should not be hampered by excessive procedural constraints, reinforcing the need for efficient electoral management.

Concerns Against One Nation, One Election:

1. Threat to Federalism

One of the strongest arguments against implementing simultaneous elections is the potential threat to India's federal structure. The Indian Constitution, while maintaining a unitary bias during emergencies, upholds the principle of cooperative federalism, where the Union and state governments function independently. Article 1 of the Constitution declares India a "Union of States," emphasizing the diversity of governance systems.

The Tamil Nadu Legislative Assembly strongly opposed the 'One Nation, One Election' proposal, labeling it "undemocratic and impractical." The state's political leadership argued that such a system would disproportionately benefit national parties while sidelining regional concerns, thereby diluting state autonomy.

A clear example of distinct voter behavior at different levels of government is the 2019 Jharkhand elections. In the 2019 Lok Sabha elections, the Bharatiya Janata Party (BJP) won 12 out of 14 parliamentary seats in Jharkhand. However, in the Jharkhand state assembly elections held later that year, the Jharkhand Mukti Morcha (JMM)-Congress alliance secured a decisive victory, defeating the BJP and forming the state government. This voting pattern reflects the

electorate's ability to distinguish between national and state-level governance. Simultaneous elections could potentially blur these distinctions, leading to a political scenario where national issues overshadow regional concerns.

In Karnataka (2019), the coalition government of the Congress and Janata Dal (Secular) collapsed due to internal defections, necessitating fresh state elections.

Under a 'One Nation, One Election' model, Karnataka might have been forced under President's Rule until the next general elections, leaving voters without a representative government for an extended period. In Karnataka (2019), the coalition government of the Congress and Janata Dal (Secular) collapsed due to internal defections, necessitating fresh state elections.

2. Absence of Recurring Electoral Feedback

Frequent elections serve as an essential feedback mechanism, allowing voters to assess the performance of governments and influence policymaking. Currently, state elections act as mid-term referendums, providing parties with an opportunity to recalibrate their governance strategies based on public sentiment.

If elections were held once every five years for all levels of government, voters would lose this recurring opportunity to express approval or dissent, potentially leading to reduced political accountability. Parties would no longer face immediate electoral consequences for unpopular decisions, which could encourage complacency and governance stagnation.

In the 2015 Delhi Assembly elections, the Aam Aadmi Party (AAP) won a historic 67 out of 70 seats, primarily due to dissatisfaction with the national ruling party's policies. By 2020, despite national trends favoring the BJP, AAP was re-elected with 62 seats, largely because state-level concerns remained distinct from national politics.

According to a 2018 study by the Centre for the Study of Developing Societies (CSDS):

72% of voters preferred separate state and national elections to ensure continuous accountability.

68% believed that separate elections allowed them to better evaluate state-specific issues, rather than being influenced by national campaigns.

3. Language Barriers in Public Consultation

A significant concern regarding the 'One Nation, One Election' proposal is the lack of inclusivity in public consultations, particularly regarding linguistic diversity. In 2018, a

government committee sought public opinions on simultaneous elections through an online portal available only in English and Hindi. This excluded non-Hindi-speaking states, particularly those in South India and the Northeast, where regional languages dominate political discourse.

In Tamil Nadu, West Bengal, and Karnataka, regional parties strongly opposed simultaneous elections, arguing that consultations should be conducted in all 22 scheduled languages recognized under Article 344(1) and the Eighth Schedule of the Constitution. Political debates in Tamil Nadu and Kerala are often conducted in Tamil and Malayalam, making Hindi and English-only consultations a violation of linguistic inclusivity.

Policy Recommendations:

i. **Phased Synchronization Instead of Complete Overhaul**

Instead of enforcing simultaneous elections nationwide, India can adopt a phased approach where state elections are grouped into two or three broad cycles.

Example: The Election Commission of India (ECI) can categorize states into clusters and hold their elections within a fixed two-year window, reducing the frequency of electoral cycles while preserving regional autonomy.

ii. **Fixed Tenures with No Mid-Term Dissolutions**

Legal amendments to Articles 85(2)(b) and 174(2)(b) could establish a fixed five-year term for both Lok Sabha and State Assemblies, minimizing the risk of frequent dissolutions.

However, a constructive no-confidence motion, similar to Germany's model, should be introduced—where a government can only be ousted if an alternative government is ready to take charge—thus avoiding governance instability.

iii. **A National Electoral Calendar with Buffer Mechanisms**

A National Electoral Calendar could be formulated, ensuring elections occur at pre-defined intervals, preventing abrupt political disruptions.

A constitutional buffer mechanism should be created for handling situations where a state government collapses mid-term—either by allowing limited President's Rule with fresh elections within a fixed period or adjusting election cycles through temporary caretaker governments.

iv. Strengthening the Election Commission's Capacity

Conducting simultaneous elections requires a robust administrative and technological infrastructure. The ECI's capacity should be expanded with greater manpower, advanced Electronic Voting Machines (EVMs), and increased funding to efficiently manage elections without compromising their integrity.

v. State Autonomy Protection through a Multi-Tiered Electoral System

Any reform must ensure that states retain their autonomy over electoral decisions, particularly regarding governance structures. A multi-tiered system—where national elections follow a five-year cycle, but states have flexibility within a two-year leeway—could balance uniformity with federal diversity.

vi. Public Consultation and Legislative Consensus

Extensive consultations with regional parties, civil society, and legal experts should be conducted before any drastic reform. A constitutional amendment bill for ONOE must pass both Houses of Parliament with a two-thirds majority and receive approval from at least half the states, ensuring broad consensus rather than executive imposition.

Conclusion:

The concept of 'One Nation, One Election' remains a polarizing issue. While cost savings, administrative efficiency, and enhanced security are compelling arguments, the risks to federalism and democratic representation cannot be ignored. Extensive legal scrutiny, judicial review, and widespread consultations are essential before implementing such a transformative reform. Electoral democracy must balance financial prudence with the core principles of representation, accountability, and federalism.