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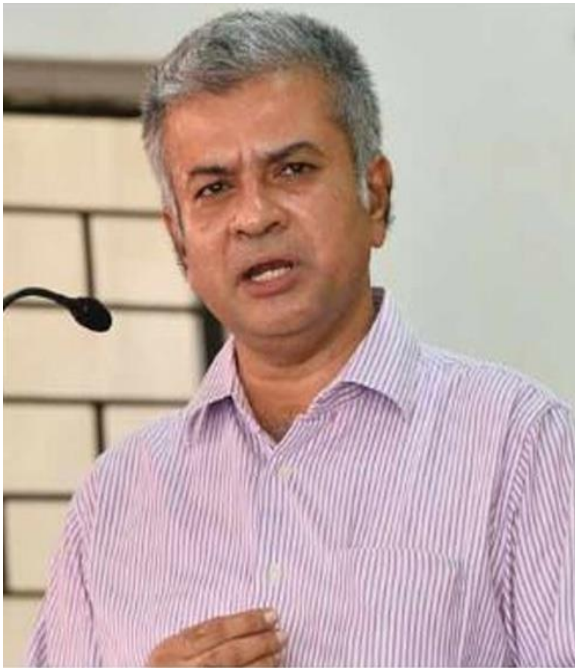
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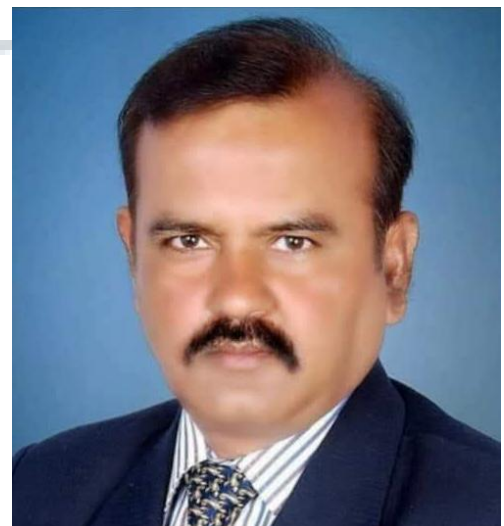
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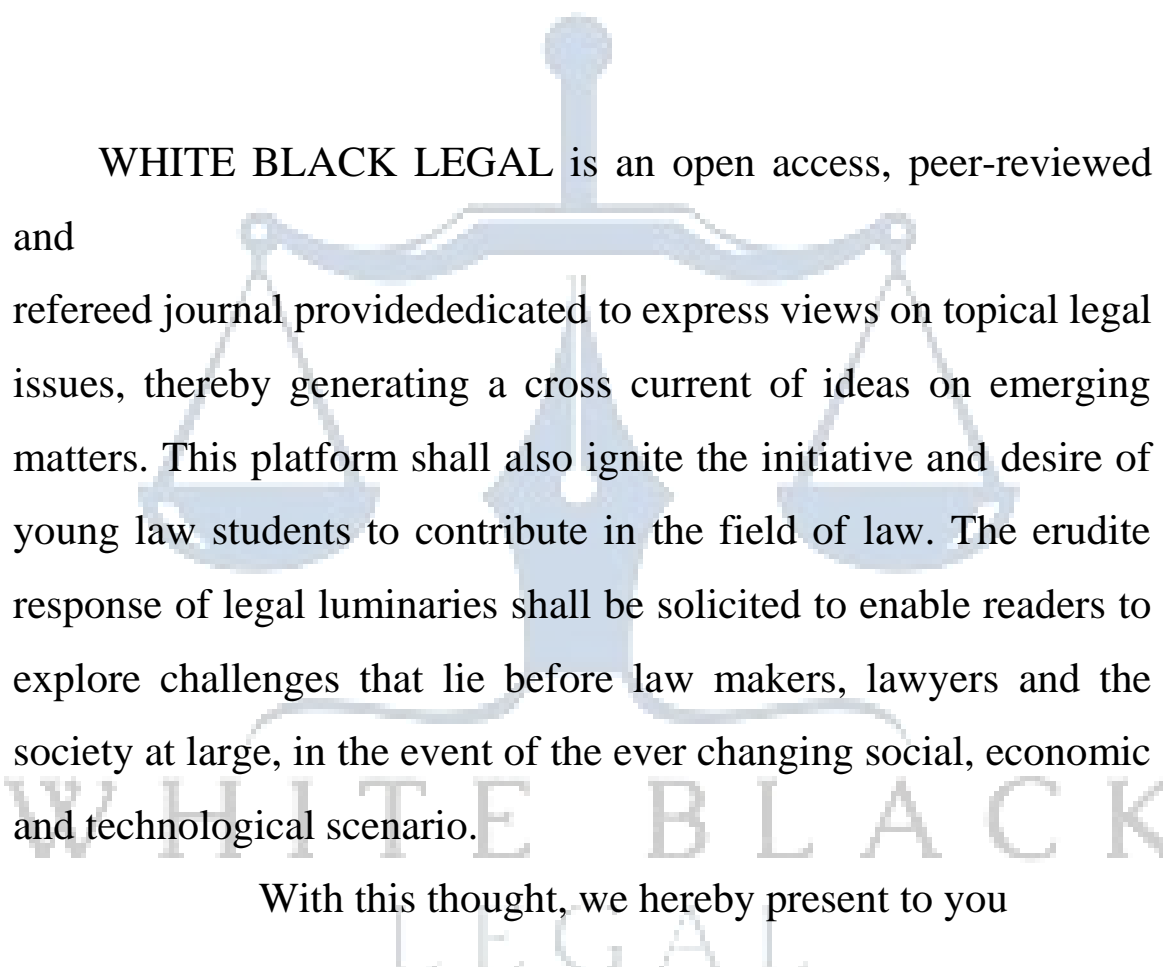


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## ***ABOUT US***



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



# **BRIEF ANALYSIS OF ONE NATION ONE ELECTION**

AUTHORED BY - DEVANSH TIWARI & PRIYANSHI SINGH

## **Introduction**

An extensive 18,626 page report prepared by a panel led by former president Ram Nath Kovind has proposed simultaneous election of 3 tier government *i.e.* Union, state and local government. Local election must be held within 100 days of simultaneous state and general election as per the recommendation of committee headed by former president Kovind.

The rationale behind this synchronized election is that it will cause less financial burden on exchequer and it will prevent policy paralysis and many more which has been highlighted in the High Level Committee' extensive report. Below are the rationale behind the system of simultaneous election as per the report:

- Promotes Consistency in Governance: Due to the ongoing cycle of elections in various parts of the country, political parties, their leaders, legislators, and both State and Central Governments often focus their efforts on preparing for upcoming elections rather than prioritizing governance. The adoption of simultaneous elections would refocus the government's attention towards developmental activities and the implementation of policies aimed at promoting the welfare of the masses.
- Prevents Policy Paralysis: The implementation of the Model Code of Conduct during elections disrupts routine administrative activities and developmental initiatives. This disruption not only hampers the progress of vital welfare schemes but also leads to governance uncertainty. Holding simultaneous elections would mitigate the prolonged enforcement of the MCC, thereby reducing policy paralysis and enabling continuous governance.
- Mitigates Resource Diversion: With elections conducted simultaneously, the need for frequent deployment would diminish, allowing government officials and public institutions to focus more on their primary roles rather than election-related tasks.
- Preserves Regional Party Relevance: Holding simultaneous elections does not undermine the role of regional parties. In fact, it encourages a more localized focus during elections, enabling regional parties to highlight their unique concerns and aspirations.

- Enhances Political Opportunities: Conducting elections simultaneously entails a more equitable allocation of political opportunities and responsibilities within political parties.
- Focus on Governance: The ongoing cycle of elections across the country diverts attention from good governance. Political parties focus more on election-related activities to secure victories, leaving less time for development and essential governance.
- Reduced Financial Burden: Conducting simultaneous elections could significantly cut down the financial costs associated with multiple election cycles.<sup>1</sup>

Following this report, Law Minister Arjun Ram Meghwal formally introduced the Constitution (129th Amendment) Bill, 2024, on 'One Nation, One Election' and a bill to amend 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, as per the day's schedule. These amendments aim to align assembly elections in Delhi, Jammu Kashmir, and Puducherry with the proposed simultaneous elections.<sup>2</sup>

### **What's New in 'The Constitution 129th Amendment Bill 2024'**

The committee recommended some changes in the constitution and other relevant laws and the idea of simultaneous law was unanimously approved by the committee. The committee proposed the insertion of Article 82A which explained that 'simultaneous election' shall mean general election held for constituting the house of people and legislative assemblies together.

This committee also proposed the insertion of a new article *i.e.* Article 324A.

The new proposed articles are as follows:

“Article 82A

1. The President of India may by notification issued on the date of the first sitting of the House of the People after a general election, bring into force the provision of this Article, and that date of the notification shall be called the Appointed date.

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<sup>1</sup> Kumar, S., Kataria, R. and Kalia, S., One nation, one election, Press Information Bureau. Available at: <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2085082> (Accessed: 22 December 2024).

<sup>2</sup> Mehrotra, V. (2024) One nation, one election bills introduced in Lok Sabha; 269 members vote in favour, 198 oppose, News18. Available at: <https://www.news18.com/india/lok-sabha-bills-one-nation-one-election-parliament-winter-session-opposition-furore-nda-bjp-allies-back-bill-constitution-amendment-bill-9159177.html> (Accessed: 22 December 2024).



2. Notwithstanding anything contained in Art. 83 and 172, all the Legislative Assemblies constituted in any general election held after the appointed date shall come to an end on the expiry of the full term of the House of the People.
3. Notwithstanding anything contained in this constitution or any law for the time being in force, and after the expiry of the full term referred to in sub article (1), the Election Commission shall conduct General elections to the House of the People and the Legislative Assemblies simultaneously and the provisions of Part XV of the constitution shall apply to these elections mutatis mutandis with such modifications as may become necessary and which the Election commission may by Order specify.

Explanation: The expression “simultaneous elections” shall mean general elections held for constituting the House of the People and all the Legislative Assemblies together.

#### Article 324A

1. Notwithstanding anything contained in Art. 243E and 243U, Parliament may by law make provision for ensuring that the elections to Municipalities and Panchayats are held simultaneously with the General Elections, and for this purpose, make provisions as may be necessary including provisions for determination of the term of the Municipalities and Panchayats sooner than the expiry of five years from the date appointed for their first meeting, and for limiting the term of such Municipalities and Panchayats constituted under a mid-term election to the unexpired period of their term until the next general elections.<sup>3</sup>

The proposed bill also seeks to amend Article 327 which pertains to Power of Parliament to make provision with respect to elections to Legislatures. After the words "delimitation of constituencies" the words "conduct of simultaneous elections" are proposed to be inserted. The article with the proposed amendment will thus read.

"Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in Connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies, conduct of simultaneous

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<sup>3</sup> High Level Committee Report on Simultaneous Election in India 2024. Available at <https://onoe.gov.in/HLC-Report-en>

elections and all other matters necessary for securing the due constitution of such House or Houses".<sup>4</sup>

The government has also introduced Union Territories Laws Amendment Bill 2024 which aims to amend Section 5 of the Government of Union Territories Act 1962, Section 5 of the Government of National Capital Territory of Delhi Act 1991, and Section 17 of the Jammu and Kashmir Reorganisation Act 2019 to facilitate simultaneous elections with the Lok Sabha and State Legislative Assemblies.<sup>5</sup>

### **History of One Nation One Election**

Initially, in independent India, elections for lok sabha and state legislature were held simultaneously. In post independence period India started its first election cycle of house of people and state assemblies simultaneously that took place in 1951-1952. This cycle remained in existence until 1967, but later dissolution of legislative assemblies took place in 1967 and 1968 which caused a problem to simultaneous election. In the year 1970 lok sabha also got dissolved and since then simultaneous election cycle remained broken. However many reports and studies have advocated to bring the simultaneous election in to existence again. There are several report and studies which support 'One Nation One Election' to be a reality.

*Development of ONOE in Past years:*

In 1983 Election Commission of India 1<sup>st</sup> annual report recommended holding simultaneous elections to the House of the People and the Legislative Assemblies of States.<sup>6</sup>

In 1999, 170<sup>th</sup> report of Law Commission of India observed that the subject of simultaneous election cannot be dealt within the existing constitutional parameters and hence is not dealt with in this Report.<sup>7</sup>

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<sup>4</sup> Centre introduces bills in Lok Sabha for 'one nation one election'; law minister agrees for examination by Joint Parliamentary Committee, Live Law. Available at: <https://www.livelaw.in/top-stories/one-nation-one-election-bill-lok-sabha-union-law-minister-278596> (Accessed: 22 December 2024).

<sup>5</sup> Drishti IAS (2024) One nation one election 'the constitution 129th amendment Bill 2024', Drishti IAS. Available at: <https://www.drishtiiias.com/daily-updates/daily-news-analysis/one-nation-one-election-the-constitution-129th-amendment-bill-2024> (Accessed: 22 December 2024).

<sup>6</sup> ELECTION COMMISSION OF INDIA, FIRST ANNUAL REPORT 1983 86 (1984). Available at [https://onoe.gov.in/reports/First%20Annual%20Report%20\(1983\).pdf](https://onoe.gov.in/reports/First%20Annual%20Report%20(1983).pdf) .

<sup>7</sup> LAW COMMISSION OF INDIA, Report No. 117, Reforms of Electoral Laws. Available at <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022082424.pdf> .

In 2002, report of National Commission to review working of the constitution dealt with this issue in some detail and suggested rather radically that ideally the effort should be to have only one election every five years for Lok Sabha and all the legislative assemblies.<sup>8</sup>

In 2015, 79<sup>th</sup> report of Parliamentary Standing Committee also observed the need for simultaneous election to Lok Sabha and Legislative Assemblies as elections have become big budget affair and expensive and in most of the cases expenditures by the candidates are exceeding the ceiling fixed by the ECI.<sup>9</sup>

Similarly the idea of simultaneous election is also advocated by Working Paper of NITI Aayog 2017 and Law Commission of India Draft 2018.

The idea of 'One Nation One Election' was only a concept after 1960 but now it has again gained the momentum when government introduced the 129<sup>th</sup> Constitution (Amendment) Bill 2024 and Union Territories Laws Amendment Bill 2024. But whether it will be incorporated in constitution or not has to be decided by elected representative.

### **Possible Repercussions of 'One Nation One Election'**

One Nation, One Election, while aimed at streamlining governance and reducing election-related expenses, has certain disadvantages that cannot be overlooked. The primary concern is the potential dilution of federalism. India is a diverse country with varied regional aspirations, and holding simultaneous elections could lead to the dominance of national issues, sidelining the voices and concerns of state governments.<sup>10</sup> National political parties would have a significant advantage over regional parties on account of this mechanism. This would be detrimental to the federal spirit of our country which has been declared as a basic structure of the Constitution.<sup>11</sup> This could undermine the autonomy and priorities of states, making governance less responsive to local needs.

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<sup>8</sup> Justice Shri M.N. Venkatachaliah, REPORT OF THE NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION 510 (2002). Available at <https://onoe.gov.in/reports/NCRCW.pdf>

<sup>9</sup> DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE, 16th Lok Sabha, Seventy Nineth Report, Feasibility of Holding Simultaneous Elections to the House of People(Lok Sabha) and State Legislative Assemblies, 5 (2015). Available at [https://legallaffairs.gov.in/sites/default/files/simultaneous\\_elections/79th\\_Report.pdf](https://legallaffairs.gov.in/sites/default/files/simultaneous_elections/79th_Report.pdf) .

<sup>10</sup> One Election, Two Votes : The Feasibility of Reviving the Past Trend, (2018) 5.1 GNLU L. Rev. 139

<sup>11</sup> S.R. Bommai v. Union of India, (1994) 3 SCC 1 : AIR 1994 SC 1918.

Additionally, the logistical challenges of organizing nationwide elections are immense, from securing sufficient personnel to ensuring free and fair voting across all constituencies simultaneously. Another issue is the risk of voter fatigue; when multiple elections occur together, voters might find it challenging to differentiate between the candidates and issues at the national and state levels, potentially skewing electoral outcomes.

Political accountability could suffer as governments, elected for a synchronized term, may lose the impetus to deliver results throughout their tenure. While the idea of One Nation, One Election is promising, these concerns need thorough deliberation to ensure it strengthens democracy without compromising its foundational principles.

### **Advantage of One Nation One Election**

The concept of "One Nation, One Election" in India offers several potential advantages. It could lead to significant cost savings by reducing the frequency of elections, as resources like security, manpower, and logistics would be used more efficiently. Simultaneous elections might also ensure better governance, as governments would have more time to focus on policy-making instead of being in perpetual election mode.<sup>12</sup> Voter turnout could increase, as citizens would need to cast their votes less frequently. Additionally, it could reduce the disruption to public life caused by repeated implementation of the Model Code of Conduct, fostering consistent economic and administrative progress.<sup>13</sup>

### **Conclusion**

The idea of "One Nation, One Election" has sparked extensive discussions, reflecting its potential to significantly transform India's electoral and governance systems. Historically, the concept was practiced in India during the early years of independence, but political and administrative challenges disrupted the synchronized election cycle. Over the years, multiple reports by constitutional experts, parliamentary committees, and institutions like the Election Commission and NITI Aayog have endorsed the benefits of simultaneous elections, emphasizing its ability to save costs, streamline governance, and enhance voter participation.

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<sup>12</sup> Prof. Chidananda Reddy S. Patil, Laxmi S. Goudar, Akila Y. Prabhu, One Nation One Election, <https://kslu.karnataka.gov.in/storage/pdf-files/1nation1election.pdf>.

<sup>13</sup> Parliamentary Standing Committee on Personal, Public Grievances Law 79<sup>th</sup> Report



The recently proposed 129th Constitution (Amendment) Bill, 2024, and the Union Territories Laws Amendment Bill aim to institutionalize this concept. The insertion of Articles 82A and 324A and amendments to Article 327 and relevant union territory laws are pivotal steps towards aligning elections for the Lok Sabha, state assemblies, and local bodies. These legal and constitutional changes reflect a robust attempt to address the logistical and procedural challenges of implementing simultaneous elections.

However, the concept is not without its challenges. Critics argue that it might undermine federalism by marginalizing regional issues and favouring national parties over regional ones. Logistical complexities, voter fatigue, and the potential reduction in government accountability during synchronized terms are other significant concerns.

While the promise of reduced financial burden, governance consistency, and minimized policy paralysis is compelling, the success of "One Nation, One Election" will depend on careful deliberation and consensus among stakeholders. Safeguards must be put in place to preserve the federal structure, ensure electoral integrity, and address the unique needs of states and regions. The ultimate aim should be to strengthen democratic processes and foster inclusive development while balancing the diverse aspirations of India's electorate.