Himachal Pradesh National Law University, Shimla (India)

A UGC CARE Indexed Law Journal

Journal Articles | *ISSN:2582-1903* | *Shimla Law Review*

Volume: VII (2024)

ELECTORAL HARMONY AND CONSTITUTIONAL BALANCE: A Constitutional and Theoretical Analyses of India's Quest for One Nation One Election

Tamesh Kumar Pandey & Priti Saxena

This article can be downloaded from:
https://www.hpnlu.ac.in/journal-article.aspx?ref-id=47&article-id=626

Recommended Citation:
Tamesh Kumar Pandey & Priti Saxena, *Electoral Harmony and Constitutional Balance: A Constitutional and Theoretical Analyses of India's Quest for One Nation One Election* VII SML. L. REV. 65 (2024).
DoI: https://doi.org/10.70556/hpnlu-slr-v7-I1-2024-03

This Article is published and brought to you for free and open access by Himachal Pradesh National Law University, Shimla. For more information, please contact *editorslr@hpnlu.ac.in*

Contents

Volume VII | *ISSN: 2582-1903* | April 2024 - March 2025

Special Article *Page*

1. AI GENERATED EVIDENCE BROUGHT BEFORE EUROPEAN COURTS: Further Activation of Evidence Law, Defence Rights, and Human Oversight Needed
   Paul De Hert & Georgios Bouchagiar 1

Articles

2. 'ONE NATION ONE ELECTION': A Juridical Critique of the Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024 41
   Virendra Kumar
3. ELECTORAL HARMONY AND CONSTITUTIONAL BALANCE: A Constitutional and Theoretical Analyses of India's Quest for One Nation One Election 65
   Tamesh Kumar Pandey & Priti Saxena
4. THE ELECTION COMMISSIONERS' APPOINTMENT ACT, 2023: Fulfilment of a Constitutional Expectation or a Device to Maintain the Status Quo? 92
   Monica Chaudhary
5. LAW AS THE ONTOLOGY OF 'ONE' AND 'CONSTITUTIONAL REASON': India's 'One Nation One Election' Plan, Democracy, Federalism, and Electoral Justice 128
   Chanchal Kumar Singh & Mritunjay Kumar
6. EFFICACY OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION, AND REDRESSAL) ACT, 2013: A Critical Analysis 213
   Aayush Raj
7. POSTHUMANISM: Challenges for Contemporary Legal and Social Theories 244
   Chanchal Sharma
8. BEYOND THE UNIFORM CIVIL CODE DEBATE: Critiquing Goa's Succession Law 262
   Shukr Usgaokar

9. INDIA'S DECRIMINALISATION POLICY: The Past, Present, and Future of Governance, Risk Management, and Compliance under the Companies Act, 2013
Harpreet Kaur 293

Notes and Comments

10. ARTIFICIAL INTELLIGENCE INVENTIONS AND THEIR PATENTABILITY
Anita Yadav & Rabikant Pandey 312

11. 75 YEARS OF THE PRACTICE OF EXTRADITION LAWS IN INDIA: Evolution, Expectations, and Realities
Namita Vashishtha & Shourie Anand Singh 338

12. *IN RE:* SECTION 6A OF THE CITIZENSHIP AMENDMENT ACT, 1955: A Comment
Muskan & Prachi 370

13. RIGHTS AND ENTITLEMENTS: A Commentary on Chapter II of the RPwD Act, 2016
Ashpinder kaur & Rimjim Kheda 380

14. FISCAL FEDERALISM FROM PYRAMID TO MATRIX: An Analysis of the Supreme Court Judgment in *Mineral Area Development Authority* v. *Steel Authority of India* (2024 S.C.C. OnLine S.C. 1796)
Arya Kumari 394

ELECTORAL HARMONY AND CONSTITUTIONAL BALANCE: A Constitutional and Theoretical Analyses of India's Quest for One Nation One Election

Tamesh Kumar Pandey [*] **&** ***Priti Saxena*** [**]

[Abstract: *The proposal regarding One Nation One Election (herein after referred as ONOE) seeks to synchronise the electoral schedules of the Lok Sabha and State Legislative Assemblies in India. Its main aim is to improve the efficiency in governance, reduce public expense incurred in the name of election, and mitigate varied disruptions resulting from frequent elections. The legislative vehicle for bringing out this change is the 129th Constitutional Amendment Bill (herein after referred as 129th CAB), which proposes to introduce fundamental modifications to the Constitutional scheme for enabling synchronised elections.*

This article before examining the provisions of the Bill will try to adopt a historical approach in order to understand the applicability and practice of simultaneous elections in the past during 1952-1967. Followed by the reasons for its discontinuation and would examine such cautions within the present Bill. Then after, it will also look at the various reports submitted at the National level along with policy recommendations to understand the background of this proposal.

This article examines the Bill with a constitutional lens within the context of India's federal framework. It will analyse the provisions of the Bill mainly on the constitutional issues presented by the plan, specially regarding the Basic Structure Doctrine, including federalism, representative democracy, and the validity of electoral mandates. The scrutiny highlights the existing tension between administrative efficiency and the maintenance of federal values within the constitutional framework. The Bill spawns apprehensions over the possible erosion of state sovereignty and the reduction of opportunities for regional political entities along with the problem of issue-dilution. Apart from the constitutional design this article also analyses the theoretical aspect of the Bill. The theoretical dimensions give a wider lens to examine the philosophical underpinnings of the proposal. By applying the theories of constitutional identity, democratic theory, federalism, constitutional morality the article tries to find the gap in the present form of the Bill.]

---

[*] Mr. Tamesh Kumar Pandey, Research Scholar, Himachal Pradesh National Law University, Shimla. Email: tkpnd121@gmail.com

[**] Prof. (Dr.) Priti Saxena, Vice Chancellor, Himachal Pradesh National Law University, Shimla. Email: pritisaxena@hpnlu.ac.in

I

Introduction

Democracy is like a musical vinyl record, and an election is the moment the needle is lifted. It's the pause between tracks, which encapsulates a collective breath wherein the nation decides not only the next song, but also the entire B-side of its political destiny. Elections form a quintessential part of democratic legitimacy which implies free and fair election as a basic postulate of a free democratic society.[1] In modern day democracy, elections are often described as the grand festival[2] only because it gives the citizens right to choose their representative and constitute the government. Elections ensure the constitutional promise of governance by keeping intact the practice so that political authority remains condensed in popular sovereignty and periodic accountability. As Richard Pildes observes in his work on elections that, '*modern constitutional democracies, which establish self-government as a core ideal, also establish a range of regulatory mechanisms to preserve this ideal. India is no exception in this regard.*' [3] The effort to balance efficiency in election with that of constitutional fidelity is one of the defining issues faced by contemporary Indian democracy.

The recent presentation of the 129th Constitutional Amendment Bill represents the most comprehensive legislative effort which aims to bring One Nation One Election (ONOE), i.e., a change which thereby promises to reshape the political cycles by synchronising Lok Sabha and state assembly elections.[4] Drawing on parliamentary discussions, the Bill proposes to insert Article 82A in the Indian Constitution to require conduction of simultaneous elections, amend Articles 83 and 172 to align tenures, and authorise the Election Commission to postpone state polls if circumstances prevent concurrent voting thereby embedding administrative discretion within the amendment process under Article 368 while preserving judicial review safeguards.[5]

In the Indian context, the concept of election relates back to the ancient times, wherein around four BC as there was a presence of republican federation of

---

1 H.M. Seervai, CONSTITUTIONAL LAW OF INDIA (Vol. III) 3073 (1993).

2 Omkar Dattatray, Election is the biggest festival of Democracy, (STATE TIMES, March 18 2024) *available at:* https://statetimes.in/election-is-the-biggest-festival-of-democracy/ (last visited Aug. 22, 2025).

3 Richard H Pildes, *Elections* in THE OXFORD HANDBOOK OF COMPARATIVE CONSTITUTIONAL LAW 529 (Michen Rosenfeld, et.al., eds. 2012) *cited in:* Aditya Sondhi, *Elections* in THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION 196 (Sujit Choudhry, et.al., eds. 2016).

4 Ministry of Law and Justice, THE CONSTITUTION (ONE HUNDRED AND TWENTY-NINTH AMENDMENT) BILL, 2024 (Lok Sabha Bill No. 275, introduced Dec. 17, 2024) *available at:* https://prsindia.org/billtrack/the-constitution-one-hundred-and-twenty-ninth-amendment-bill-2024 (last visited Aug. 22, 2025).

5 *See:* Statement of Objects and Reasons, *The Constitution (One Hundred and Twenty-Ninth Amendment) Bill*, 2024, Bill No. 275 (Dec. 12, 2024) (as introduced in Lok Sabha)

Khusdrak-Mallasanga.[6] In Vedic period, also the presence of 'samiti' highlighted the existence of republican form of government the evidences of which is found in certain Buddhist texts.[7] Even though there was no evidence of elections in the medieval period, the colonial rule brought about reforms in the electoral practices.[8] After the independence, even the Constituent Assembly adopted the elected structure.[9] The Constitution provides for the election mandate by preambular declaration of 'democratic' and 'republic' in the constitutional framework. Since then, elections have become the cornerstone of India's democratic regime.

From 1952 to 1967, India's usual electoral cycles delivered simultaneous elections without constitutional rift.[10] This period indicated feasibility as a result of which election machinery functioned efficiently, and voters acclimated to consolidated polling. But it failed due to premature dissolutions of certain state assemblies by the effect of emergency and political instability, reminding us that administrative coordination alone cannot sustain synchronisation in the absence of consensus.[11] The present bill aims to restore simultaneous elections owing to the reason of election expenditure, efficiency in administration and governance.

However, the provisions of the bill have been criticised on the ground of violation of certain basic tenets of the constitution such as federalism, voter's sovereignty, undermining the interest of regional parties, excessive discretion to the election commission etc. In the present Article these dimensions will be analysed and tested to examine the provisions of the bill in the voter's interest to safeguard democratic values within the contours of constitution.

This article will analyse the provisions in the light of Indian federalism and whether it encroaches the basic tenets of the constitution. The discussions on ONOE, are intricately linked to India's federal framework and the legal doctrines that safeguard it. Constitutional scholars characterise India as a quasi-federal state,[12] i.e., a distinctive amalgamation of self-governance and shared authority. Other political

---

6 P Rathna Swamy, HANDBOOK ON ELECTION LAW 3 (2014)

7 *Id.*

8 V S Rama Devi & S K Mendiratta, HOW INDIA VOTES: ELECTION LAWS, PRACTICE AND PROCEDURE 3-7 (2014).

9 Sir Stafford Cripps supported the idea that an elected body of Indians should frame the Indian Constitution, *see:* Granville Austin, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION 3 (2008).

10 Election Commission of India, *Statistical Report on General Elections, 1951–52 to 1967–68* 14 (Govt. of India 1968) (showing simultaneous elections for Lok Sabha and all Legislative Assemblies through 1967).

11 The Hindu Visual Story Team, *How India voted: a retrospective from 1952 – 2024*, THE HINDU (Apr. 17, 2024) *available at:* https://www.thehindu.com/infographics/2024-04-17/previous-lok-sabha-elections-since independence/index.html.

12 M P Jain, INDIAN CONSTITUTIONAL LAW, (2018); D.D. Basu, COMMENTARY ON THE CONSTITUTION OF INDIA (2007).

theorists, such as *Elazar, Wheare, and Stepan*, have classified India as a "holding together" federation.[13]

The Supreme Court's pivotal decisions in instances such as Kesavananda Bharati, Minerva Mills,[14] and Bommai[15] have unequivocally affirmed federalism, democracy, and regular elections as fundamental character of the Constitution's basic scaffold. This indicates that these ideas cannot be modified by mere amendment. The essential legal concepts, along with the policy reports for instance 2017 report by the NITI Aayog[16] advocating for efficiency and a 2018 Law Commission report[17] cautioning against the possible federal risks are the vital framework for any discourse on One Nation, One Election.

While the analysis of the synchronization of elections is done the examination of diverse comparative federations would illustrate various approaches and lessons for India. For instance, the United States protects regional variety through staggered House and Senate elections.[18] Belgium also conducts simultaneous polls to enhance national cohesiveness.[19] Germany maintains autonomous Bundestag and Landtag cycles, balancing unification with state autonomy.[20] Post-apartheid South Africa had also synchronized elections to consolidate democracy despite the unstable alliances.[21] These global comparisons imply that no federation has found a "one-size-fits-all" elucidation, and that if electoral synchronization is attempted, it is deeply conditioned by political culture, coalition dynamics, and institutional architecture. India, with its quantum and diversity, in the quest for unification might resemble Belgium but in practicality, it closely matches with the model of U.S. pertaining to the federal dispersion of political identities.

By situating ONOE within this jurisprudential and comparative context, this study develops a paradigm for examining electoral reforms through the prism of constitutional realism and federal balance. This article will follow a pattern of analysis by virtue of which the entire discourse is dealt in a comprehensive manner. First, the historical and policy context will be discussed then secondly, the analysis of Architecture and ambiguities of the bill. This section would also include, the

---

13 Daniel J. Elazar, EXPLORING FEDERALISM 5 (1987); K C Wheare, FEDERAL GOVERNMENT 10 (1963); Ivor Jennings, THE APPROACH TO SELF-GOVERNMENT 2 (1956); Alfred Stepan, *Federalism and Democracy: Beyond the U.S. Model*, X J. OF DEMOCRACY 19, 20–21 (1999).

14 *Minerva Mills Ltd.* v. *Union of India*, AIR 1980 SC 1789.

15 *S.R.Bommai* v. *Union of India*, AIR 1994 SC 1918.

16 NITI Aayog, Bibek Debroy & Kishore Desai, ANALYSIS OF SIMULTANEOUS ELECTIONS: THE 'WHAT,' 'WHY,' AND 'HOW' 22-24 (2017).

17 Law Commission of India, *Draft Report on Simultaneous Elections*, 4.3 (2018), *available at:* https://legalaffairs.gov.in/sites/default/files/simultaneous_elections/LCI_2018_DRAFT_REPORT.pdf

18 U.S. Const. art. I, Ss. 2–3.

19 *Id.* note 17 at 31.

20 *Id.* note 17 at 32.

21 *Id.* note 17 at 30.

constitutional and administrative issues particularly, federalism and delegation. This would set the stage up for the suggestions and recommendations followed by conclusion wherein the best practices across globe will be highlighted by selective examples. During this entire study the article will try to balance the nuances with the voter's sovereignty and free democracy.

II

Historical and Policy Context

The legitimacy of democracy fundamentally relies on regular, competitive elections that offer individuals substantial options and ensure governmental accountability to the popular will.[22] The Apex court in Mohinder Singh Gill's case highlighted the importance of periodic elections in a democracy.

> *"Democracy 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 an appeal to the people after every term for a renewal of confidence. So we have adult franchise and general elections as constitutional compulsions."*[23]

Consequently, the scheduling of elections constitutes a constitutional issue rather than a mere matter of administrative convenience, as it directly influences the quality and integrity of democratic representation. [24] The periodicity of elections ensures an equal chance of decision making to the voter and keeps a check upon the performance of the representatives which in turn protects the basic framework of electoral democracy.

The Period of Natural Synchronisation (1952-1967) and Its Deterioration

India's rendezvous with the simultaneous elections originated from historical coincidence rather than deliberate constitutional framework. Simultaneous elections were observed for four cycles during 1952-1967, for both the House of

---

[22] Jacques Thomassen, *Reprersentation and Accountability* in ELECTIONS AND DEMOCRACY: REPRESENTATION AND ACCOUNTABILITY (Jacques Thomassen ed., 2014), https://doi.org/10.1093/acprof:oso/9780198716334.001.0001.

[23] *Mohinder Singh Gill* v. *Chief Election Commr.* AIR 1978 SC 851, *cited in* V S Rama Devi & S K Mendiratta, HOW INDIA VOTES: ELECTION LAWS, PRACTICE AND PROCEDURE 2 (2014).

[24] The quality and integrity is quintessential for a free and fair election which is a part of the basic feature of the constitution as well. *see:* Pankaj Jamtani, *Streamlining Democracy: Exploring Constitutional Adjustments for Synchronized National Elections*, INT. J. LAW SOC. SCI. (2024), *available at:* https://doi.org/10.60143/ijls.v10.i1.2024.91, *see also:* Aditya Sondhi, *Elections* in THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION 196-212 (Sujit Choudhry, et.al., eds. 2016), *see also: Indira Nehru Gandhi* v. *Raj Narain,* (1975) 2 SCC 159.

People and state legislative assemblies.[25] This system was perpetuated by the Congress party's overpowering political control and the relative weakness of regional political organisations.[26] This fifteen-year period exhibited administrative viability as the voters acclimated to simultaneously casting ballots for both parliamentary and state legislative assembly elections.[27]

The system's eventual failure exposed the intrinsic vulnerability of electoral synchronisation in a dynamic federal democracy. Out of many reasons the main critical juncture for this disintegration began with the Congress party's electoral losses in 1967, resulting in political instability and frequent defections which ultimately caused the premature dissolution of many state assemblies in 1968 and 1969.[28] The crisis exacerbated when Indira Gandhi (The then Prime Minister) dissolved the Fourth Lok Sabha prematurely in 1970.[29] This was an action that positioned political gain over constitutional stability. The subsequent Emergency regime significantly disrupted electoral cycles by stretching the Fifth Lok Sabha's duration far beyond its basic constitutional bounds till 1977.[30]

This historical paradigm shows that the success of simultaneous elections depends not merely on constitutional provisions but also on political consensus and stability. It also highlighted the imbalance which implies that if political mileage becomes the motive to undermine the interest of voters and regional parties it is the certain the synchrony would collapse. Henceforth, the long-term sustainability of One Nation,

---

[25] *Supra* note 10,11

[26] This was prevalent by the time of constitution of the Constituent Assembly as well wherein Assembly was congress and Congress was India, *see:* Granville Austin, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION 8-9 (2008), *see also:* POLSCI INSTITUTE,*The Era of Congress Dominance in Indian Politics* (Jan. 25, 2024), *available at:* https://polsci.institute/india-political-process/era-of-congress-dominance-indian-politics/ (last visited Aug. 30, 2025).

[27] Myron Weiner, *Indian Voting Behavior Project, 1952-1967*, ICPSR (2006). a*vailable at: https://doi.org/10.3886/ICPSR05904.v1*, *see also:* E. T. V. Bharat, *1951-52 Elections: How India Pulled off the 'Great Electoral Experiment,'* ETV BHARAT NEWS (Feb. 25, 2024), https://www.etvbharat.com/en/!bharat/1951-52-elections-how-india-pulled-off-the-great-electoral-experiment-enn24022501663

[28] Bipan Chandra, et.al, INDIA SINCE INDEPENDENCE (2008); PRESS INFORMATION BUREAU, *One Nation, One Election*, (17 Dec. 2024) *available at:* https://www.pib.gov.in/www.pib.gov.in/Pressreleaseshare.aspx?PRID=2085082 (last visited Sep. 05, 2025).

[29] *Mrs. Gandhi Orders Elections, Dissolving India's Parliament*, (THE NEW YORK TIMES, Dec. 28, 1970), *available at:* https://www.nytimes.com/1970/12/28/archives/mrs-gandhi-orders-elections-dissolving-indias-parliament-mrs-gandhi.html; Shyamlal Yadav, *How Indira Gandhi Returned to Power in 1971 Lok Sabha Polls, amid Political Turmoil and Congress Split*, (THE INDIAN EXPRESS, New Delhi, May 17, 2024), *available at:* https://indianexpress.com/article/explained/congress-split-and-garibi-hatao-last-poll-before-emergency-9297825/

[30] Kishore Desai, *Simultaneous Elections (One Nation One Election),* SPMRF; *Concept of Simultaneous Elections Not New to India, Says Centre in Explainer*, THE TELEGRAPH ONLINE, (Dec. 17, 2024) *available at:* https://www.telegraphindia.com/india/concept-of-simultaneous-elections-not-new-to-india-says-centre-in-explainer/cid/2071280 (last visited Sep. 05, 2025).

One Election involves the need for addressing underlying democratic processes rather than merely mandating synchronisation.

Policy Reports and Constitutional Tensions

Despite various instances of failure of simultaneous elections, efforts are made in the present times to bring the ONOE. The idea of synchronised elections has been supported by Prime Minister Modi since 2014, and his support for it has grown significantly during his second term. The BJP, on its part, has consistently claimed that having concurrent polls will ensure an equal electoral process throughout India. Since 1984, this proposition has been a cornerstone of the party's agenda, featured in its manifestos.[31] These efforts can be understood by analyzing the feasibility and relevance of this concept by ways of policy recommendations, which reflects the fundamental disputes about how one should bring together administrative efficiency with constitutional federalism.

NITI Aayog's Efficiency Obsession (2017)

The NITI Aayog's 2017 report on analysis of simultaneous elections, gave the present campaign for ONOE its intellectual firepower.[32] The report mostly stressed on economic justifications, such as lower expense in conduct of elections, a decrease in policy paralysis from Model Code of Conduct interruptions, and increased government stability,[33] all while essentially sidestepping core constitutional tribulations. Some studies even suggest that this initiative of simultaneous elections through coordinated logistics and reduced administrative processes can possibly result in yearly savings of over ₹45 billion.[34]

The report suggested for the implementation from 17th Lok Sabha elections, in 2019 and also gave a two phase elections to synchronize the terms of state assemblies. However, the report does not propose a fixed term and gave the caution of amending the constitution not as a flexible tool rather as a tool of great

---

[31] Arushi Jaiswal & India TV News, *40 Years of BJP's Push for 'One Nation, One Election': A Historical Overview of Simultaneous Polls*, INDIA TV NEWS (Sep. 19, 2024) *available at:* https://www.indiatvnews.com/news/india/40-years-of-bjp-push-for-one-nation-one-election-a-historical-overview-of-simultaneous-polls-latest-updates-2024-09-19-952934 (last visited Sep. 05, 2025); Drishti IAS, *One Nation, One Election (Concept Talk) By Dr Vikas Divyakirti,* YOUTUBE (Jan. 12, 2021) *available at:* https://youtu.be/woOF4NoBoQc?si=xHdjtFmyr5Nib_f_ (last visited Sep. 05, 2025).

[32] NITI Aayog, Bibek Debroy & Kishore Desai, ANALYSIS OF SIMULTANEOUS ELECTIONS: THE 'WHAT,' 'WHY,' AND 'HOW' (2017).

[33] *Id.* page 8-13; M.Venkaiah Naidu, *Breaking out of Election Mode*, THE HINDU (Oct. 2, 2016), *available at:* https://www.thehindu.com/todays-paper/ (last visited Sep. 05, 2025).

[34] Rishav Sharma & Navneet Kaur Chahal, *One Nation, One Vote: Evaluating the Prospects and Challenges of Simultaneous Elections in India*. V IJRPR 4823 (2024); *see*: Arti Bhatnagar, *Issue of 'One Nation, One Election' in Indian Perspective,* VI IJFMR 1 (2024), *see also:* Paragraph 6.2: *Report of the Parliamentary Standing committee on Personnel*, Public Grievances, Law and Justice - 79th report (Dec 2015) on the topic of simultaneous elections.

responsibility. It argues that there will be rising pressure on resource requirements for the implementation of simultaneous elections.[35] The strategy of giving efficiency front seat has subsequently become core to governance drive, whereas constitutional safeguards have gotten only secondary back seat treatment.

Law Commission's Constitutional Warnings (2018)

The Law Commission of India's 2018 draft report gave a more constitutionally grounded analysis, which recognised basic incongruities between administrative efficiency and federal democracy.[36] The Commission chaired by Justice B.S. Chauhan too highlighted the benefits of simultaneous elections but it also affirmed that the same cannot be held within the current constitutional framework. It mentioned that the proper constitutional amendment should be made in this regard which must be ratified by half of the states.[37] The Commission gave three options for synchronisation of elections. Firstly, by means of advancing or postponing election timings in certain states, secondly, if done so elections only needed to be conducted twice in five years and lastly, if synchrony is not possible then elections falling due in a calendar year should be conducted at the same time.[38] Significantly, the Commission underlined that reducing or extending parliamentary terms in order to achieve synchronisation could potentially jeopardise the democratic mandate and voter sovereignty. The issue of no-confidence motion was also highlighted by the commission which was recommended to be replaced by 'constructive vote of no-confidence'.[39] It also highlighted upon the tenure of mid-term elections i.e., to be for the remainder period and not for the entire 5 years.[40] Additionally, appropriate amendments were also recommended regarding anti-defection laws wherein all such issues pertaining to disqualifications from defection were to be decided within six months by the presiding officer.[41] The Commission's procedural and democratic concerns transcended sheer technological viability. By emphasizing on the constitutional mandate regarding amendment and keeping the

---

35 *Supra* note 32 at 36.

36 Law Commission of India, *Draft Report on Simultaneous Elections* (2018); The biggest challenge in this regard will be to bring common consensus amongst all parties, *see:* Kanu Sarda, *One Nation, One Election: What Law Commission Suggested in 2018 Report*, INDIA TODAY (New Delhi, Sep. 1, 2023), *available at:* https://www.indiatoday.in/law-today/story/one-nation-one-election-bill-election-law-commission-draft-report-2429376-2023-09-01.

37 Law Commission of India, *Draft Report on Simultaneous Elections* 122 (2018).

38 *Id.* at pp. 118-121.

39 A constructive vote of no confidence is a procedure by which a government can be ousted from power only if there is a simultaneous agreement on a replacement government. This strategy, in turn, has led to suggestions that the number of times such a motion can be brought forth during a legislative term should be restricted; *Supra* note 37.

40 *Supra* note 37 at pp. 123.

41 *Id.*

interest of member states in tact the report gave a comprehensive framework in the discourse of ONOE.

High Level Committee's Political Endorsement (2024)

The Ram Nath Kovind-led High-Level Committee on Simultaneous Elections after extensive stakeholder consultations, formally submitted its voluminous report to President Droupadi Murmu..[42] The rationale given by the committee in recommending simultaneous elections was mainly to bring about stability and predictability in governance thereby reducing disruptions and political paralysis.[43] To achieve simultaneous elections, the committee has recommended important constitutional amendments. A new Article 82A would create the formal process for the transition to synchronized polls, including the allocation of an official date and the simultaneous dissolution of state legislative assemblies following general elections.[44] The recommendation for implementation provided that as a one-time measure all state assemblies and local bodies should be dissolved at the time of Lok Sabha elections. For local governance, the committee also suggested Article 324A to administer simultaneous elections for Panchayats and Municipalities.[45] The elections for local bodies will be conducted within 100 days from Lok Sabha and state assembly elections.[46] A Unified Electoral Register would be established for all elections, from the House of People to local bodies, under a new Article 325(2).[47]

To address the issue of hung legislature, the report recommended that fresh elections should be held in such scenario or even a local body for a reduced term.[48] To resolve the confusion regarding mid-term dissolutions, the report advocated holding elections for the "unexpired term".[49] This measure raises a fundamental problem about whether such a maneuver would actually respect the constitutional sanctity of a democratic mandate.

The report also observed that ratification of half of the states is only required in cases of amendments pertaining to the local bodies and not in the cases of parliament and state assemblies.[50] The plan for consolidated electoral rolls which would be controlled by the Election Commission of India (hereinafter referred as ECI) in

---

[42] PRESS INFORMATION BUREAU, *High Level Committee Submits Its Report on One Nation, One Election-Simultaneous Elections Core to Aspirational India*, (Mar. 14, 2024), *available at:* https://www.pib.gov.in/www.pib.gov.in/Pressreleaseshare.aspx?PRID=2014497 (last visited Sep. 01, 2025).

[43] High Level Committee Report on Simultaneous Elections in India 143-158 (2024).

[44] High Level Committee Report on Simultaneous Elections in India 5-6, 268 (2024).

[45] *Id.* at 268.

[46] *Id.* at 249.

[47] *Id.* at 269.

[48] A hung House or Assembly occurs when no single political party or pre-election alliance wins enough seats to form a clear majority; *Id.* at 271.

[49] *Id.* at 277-279.

[50] *Id.* at 276-280.

conjunction with State Election Commissions (hereinafter referred as SEC), significantly centralizes election administration and may potentially erode the federal balance. Moreover, the committee also suggested that the ECI and SECs should be responsible for the planning and estimation of all logistical arrangements[51] during the time when simultaneous elections are rolled out.

The historical trajectory and the divergent policy evaluations have established the foundation for the current legislative initiative. The 129th Constitutional Amendment Bill embodies these discussions, marking the most substantial effort to convert these concepts into a binding constitutional framework. The next section will analyse the specific provisions of the Bill and the ambiguities it presents, allowing us to evaluate whether the proposed synchronisation can be attained without compromising the federal balance and democratic accountability i.e., fundamental to the Indian Constitution.

III

Analysis of the 129th Constitution Amendment Bill, 2024

The 129th Constitutional Amendment Bill, 2024 represents a turning point in India's constitutional architecture to reintroduce the practice pertaining to simultaneous elections.[52] Following the recommendations of the High Level Committee the amendment was proposed for conducting simultaneous elections in Lok Sabha and all Legislative Assemblies.[53] Though worded discreetly, the Bill carries certain structural implications which tend to threaten core democratic principles. Hence, indicating as the most significant restructuring of India's electoral democracy since independence.

Key Amendments Proposed by the Bill

The 129th Constitutional Amendment Bill, 2024 proposes four main amendments to the Constitution. Firstly, by insertion of a new provision under Article 82A, to facilitate simultaneous elections for the House of the People and all State Legislative Assemblies. Furthermore, it also proposes amendments to three existing articles: By adding clauses (3)-(7) to Article 83 (Duration of Houses of Parliament), adding clauses (1A)-(5) to Article 172 (Duration of State Legislatures), and adding the words "conduct of simultaneous elections" after the words "delimitation of constituencies" in Article 327 (Power of Parliament to make provisions for elections to

---

[51] *Id.* at 254, 279.
[52] *See* Part II of this Article, which discussed the history of simultaneous elections in India.
[53] *Supra* note 5.

Legislatures).[54] The analysis of these provisions by a constitutional lens for a clearer democratic vision would help us to explore the various nuances of the bill.

Article 82A: The New Constitutional Anchor for Simultaneous Elections

The insertion of Article 82A[55] serves as the focal element of the Bill, which authorises the President to set the motion by giving the power to notify the appointed date.[56] The positioning of this new part is highly noteworthy, by placing it beside Article 82,[57] which governs delimitation, it appears that the drafters want to normalize the advent of synchronisation as a routine electoral adjustment. However, unlike delimitation, the process of synchronisation requires a constant modification of India's democratic and federal rhythms. This structural reconfiguration redefines the basic temporal logic of Indian democracy. In the light of simultaneous elections, deciding the tenure of legislative assemblies on the basis of Lok Sabha[58] cautions a threat to idea of federalism. The excessive power given to the Election Commission in this provision regarding the point of recommending the president that the election of the state assemblies be conducted at a later date[59] and to declare the date of full term of Legislative assemblies,[60] appears to be in the nature of excessive discretion which in turn creates a fear of abuse of power. Moreover, the deferral of state legislative assemblies might result into a situation of constitutional in activity thereby creating a scenario like state emergency. Such indirect implication may have serious impact upon the balance of federal powers resulting in undermining the state's sovereignty by virtue of decline in its autonomy.

---

[54] *Supra* note 5 at pp. 1-3.

[55] The Constitution of India, 1950, proposed article 82A states: *Simultaneous elections to the House of the People and all Legislative Assemblies.*

[56] *Id.* art. 82A(1) *states: 'The President may by a public 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.'*

[57] The Constitution of India, 1950, art. 82*:* Readjustment after each census

[58] *Id.* note 55, art. 82A (2) *states: 'Notwithstanding anything in article 83 and article 172, the term of all Legislative Assemblies constituted in any general election held after the appointed date and before the expiry of the full term of the House of the People shall come to an end on the expiry of the full term of the House of the People,,,,,(6) Where the elections to a Legislative Assembly is deferred under clause (5), then, notwithstanding anything in article 172, the full term of the Legislative Assembly shall end on same date as the end of the full term of the House of the People constituted in the general election.'*

[59] *Id.* note 55, art. 82A (5) *states:' If the Election Commission is of the opinion that the elections to any Legislative Assembly cannot be conducted along with the general election to the House of the People, it may make a recommendation to the President, to declare by an order, that the election to that Legislative Assembly may be conducted at a later date.'*

[60] *Id.* note 55, art. 82A (7) *states: 'The Election Commission shall at the time of notifying the election to a Legislative Assembly under this article declare the date on which the full term of the Legislative Assembly shall come to an end.'*

By drawing analogy from *re Berubari Union*,[61] we can say that synchronising all electoral terms into a single cycle, even if framed as an administrative move, also amounts to a constitutional re-engineering of sovereignty. At the citizen level, it reduces the periodicity of popular sovereignty and the state level it diminishes state's constitutional sovereignty within the federal framework. Thus, it is not merely adjustment of dates; rather it is a thorough reallocation of when and how the popular will is expressed.

Articles 83 and 172: The Vocabulary of Tenure

The Bill proposes amendments to Articles 83[62] and 172[63] to replace the simple, set five-year term with a more encrusted vocabulary. It introduces the notions of a "full term,"[64] an "unexpired term,"[65] and a "mid-term election."[66] While these concepts might appear to be just technical, but they are jurisprudentially encumbered. There is no clarity as to what will be remaining period be i.e., does it be 1 month or 1 year or something else. The reason for highlighting this concern is based on the object of

---

[61] *In re, Berubari Union* (I), AIR 1960 SC 845. The Supreme court held that even the transfer of minor enclaves of territory required a constitutional amend because such actions directly involved the sovereignty of the people.

[62] *Id.* note 55, art. 83 *states: '(3) The five-year period from the date of first meeting of the House of the People shall be referred to as the full term of the House of the People. (4) Where the House of the People is dissolved sooner than the expiry of its full term, the period between its date of dissolution and five years from the date of the first meeting shall be referred to as its unexpired term. (5) Notwithstanding anything in clause (2), where the House of the People is dissolved sooner than the expiry of its full term, the new House of the People constituted pursuant to elections occasioned by such dissolution, unless sooner dissolved, shall continue for such period as is equal to the unexpired term of the immediately preceding House of the People and expiration of this period shall operate as a dissolution of the House. (6) The House of the People constituted under clause (5) shall not be a continuation of the previous House of the People and all the consequences of dissolution shall apply to the House of the People referred to in clause (4). (7) The election for constituting the House of the People for its unexpired term shall be referred to as a mid-term election, and the election held after the expiry of the full term shall be referred to as the general election.'.*

[63] *Supra.* note 55, art. 172 *states: '(1A) The five-year period from the date of the first meeting of the State Legislative Assembly shall be referred to as full term of the State Legislative Assembly.'; (b) after clause (2), the following clauses shall be inserted, namely:- '(3) Where the State Legislative Assembly is dissolved sooner than the expiry of its full term, the period between its date of dissolution and five years from the date of the first meeting shall be referred to as its unexpired term. (4) Notwithstanding anything in clause (1), where the State Legislative Assembly is dissolved sooner than the expiry of its full term, and a new State Legislative Assembly is constituted pursuant to elections occasioned by such dissolution, then, such new State Legislative Assembly, unless sooner dissolved, shall continue for such period as is equal to the unexpired term of the immediately preceding State Legislative Assembly and the expiration of this period shall operate as a dissolution of the Assembly. (5) The State Legislative Assembly constituted under clause (4) shall not be a continuation of the previous State Legislative Assembly and all the consequences of dissolution shall apply to the State Legislative Assembly referred to in clause (3).'*

[64] The five year period from the date of first meeting has been the criteria to define the full-term for both Lok Sabha and State Legislative Assemblies.

[65] If the dissolution is before the expiry of its full term, then the period between such dissolution and between the five year full term will be referred as unexpired term.

[66] *Id.* note 62, art. 83(7).

the Bill i.e. to reduce the money involved in the elections but what if the period is so short then it will also result into multiplicity of elections thereby vitiating the true purpose of saving money through simultaneous elections. The provision regarding tenure creates a paradigm which advocates for clear hierarchy of mandates in which a "full term" is presented as the ideal; a "shortened term" on the other hand is shed as a constitutional eccentricity. This notion contradicts the primary idea that regardless of its exact term, every elected legislature retains an equal claim to legitimacy. The Supreme Court in *Jindal Stainless Steel* v. *State of Haryana*[67] stressed upon that constitutional interpretation must avoid ambiguity to preserve the legislative intent. However in this case, the drafting seems to be confusing as the linguistic indeterminacy risks the irregular treatment of states and could result into undermining the uniformity of figurative legitimacy.

Article 327: Delegated Synchronisation and the Power to amend

The amendment to Article 327 widens the Parliament's legislative competence with regard to the "conduct of simultaneous elections." At first instance, this appears to be in consonance with Parliament's plenary authority over elections. However, as the Supreme Court explained in the case of *Rajendra N. Shah* v. *Union of India*,[68] that any constitutional amendment which affects the federal balance requires ratification by a majority of state legislatures.[69] By varying the baseline of Article 327, the Bill directly conditions state electoral autonomy on national schedule. The insertion of "conduct of simultaneous election" mainly gives an upper hand to the Parliament. However, the change in List 1 of the Seventh Schedule[70] has not been made so as to prevent the requirement of ratification of the states. It is a settled notion that Indian Federalism has a strong centre but it doesn't appear to be just to undermine the interest of the states to the extent where it undermines their interest and hampers the unity and integrity of the nation. Hence, if we see the essence of the amendment then ratification of half of the states should have been mandated so as to protect the federal interest thereby requiring approval under Article 368(2).

Perhaps the most noticeable characteristic of the Bill is the drafting procedure itself. The bill simply overlay existing sections with certain new exceptions. This layering retains the impression of continuity while subtly shifting towards fixed legal interpretations. Taking lessons from the constitutional history, we can say that such a drafting method would encourage instability with regard to interpretation. For instance, the ostensibly technical insertions in 42nd Amendment of 1976 has created decades of theological contestation. A similar fate may await the 129th Amendment

---

67 2003 Supp (4) SCR 154.

68 2021 SCCOnline SC 474.

69 The same has to be in accordance with any of the conditions mentioned in the proviso to Art. 368(2) of the Indian Constitution.

70 Entry 72 of List 1 of the Seventh Schedule could have inserted the words 'simultaneous election' as well but the same in our opinion has been carefully left out.

if it is adopted in its current form. The black letters of the bill has been analysed in this part. The next sub parts will take forward this analysis by analyzing the provisions of the amendment in the light of Constitutional contours and theoretical dimensions.

Constitutional Contours of the 129th Amendment Bill, 2024

The 129th Constitutional Amendment Bill, 2024, as discussed in our prior examination of Articles 82A, 83, 172, and 327, must be examined within a broader constitutional framework. Their concrete importance should be assessed within the regime that safeguards federalism, the separation of powers, the voter's sovereignty, and the basic structure notion.

Federalism and State Autonomy

The bill has serious implications on the fundamental aspect of Federalism and State Sovereignty The synchronisation mandate tend to inevitably modify the term of State Legislative Assemblies, this issue pertains to not just the duration of legislatures; rather it impacts the autonomous cadence of state electoral mandates. In *S.R. Bommai* v. *Union of India*,[71] the Supreme Court unambiguously declared that federalism is a fundamental aspect of the Constitution. The implementation of a synchronized voting cycle, however, risks reducing states into mere appendages of the national electoral schedule, which also defies the framers scheme of asymmetric federalism where states might function with constitutional autonomy[72] while staying attached to the Union.

The concept of cooperative federalism, as conceived in the case of *State of Rajasthan* v. *Union of India*,[73] requires an authentic mutual cooperation rather than an imposing force of central mandate. The Bill thus reaches beyond a basic desire for efficiency; it reiterates the notion of pseudo-federalism wherein the states become administrative arms of the centre.[74] The argument is not whether Parliament has the ability to legislate, but whether doing so in this manner erodes the 'federal balance'

---

[71] *S.R. Bommai* v. *Union of India,* AIR 1994 SC 1918; *see also:* Mahendra Pal Singh, *The Federal Scheme* in THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION 451-458 (Sujit Choudhry, et.al., eds. 2016).

[72] The bill doesn't contain any provision for the differential treatment of certain states and groups therein with special needs; Louise Tillin, *Asymmetric Federalism* in THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION 540 (Sujit Choudhry, et.al., eds. 2016).

[73] *State of Rajasthan* v. *Union of India,* AIR 1977 SC 1361; *State of Karnataka* v. *Union of India,* 1978 SCR (2) 1.

[74] Mahendra Pal Singh, *The Federal Scheme* in THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION 464 (Sujit Choudhry, et.al., eds. 2016); KC Wheare, FEDERAL GOVERNMENT 33 (1951); CH Alexandrowicz, *Is India a Fedration?,* III ICLQ 393 (1954).

established by the constitutional mandate.[75] Thus, an indirect attempt to amend in order to bring about synchrony by undermining state interests appears to be unjust.

Sovereignty of the Electorate and Periodicity of Elections

The aspect of voter's sovereignty is most obviously reflected through frequent periodic elections. In *Kesavananda Bharati* v. *State of Kerala*,[76] the Supreme Court acknowledged democracy and popular sovereignty as being a part of the basic structure. The court reaffirmed that when fundamental rights and federal principles are at stake clear constitutional procedures must be followed.[77] By limiting the frequency of elections the efficiency of governance might improve but the temporal speed of democratic engagement would reduce. The case of *H.S. Jain* v. *Union of India*,[78] confirmed that administrative actions touching upon the fundamental rights must provide for judicial review. But simultaneous election deferrals lack such review, which raises constitutional difficulties. Thus, synchronisation results in reallocation of the essential moments of constitutional accountability.

Separation of Powers and Dissolution of Legislatures

Articles 83 and 172 currently embody a key flexibility which is that the legislatures have tenure of five-year 'unless sooner dissolved'. This article allows for dissolution in circumstances of a loss of majority, the breakdown of a coalition, or such other constitutional necessity.[79] The proposed 'full term/unexpired term' terminology in the bill however, converts the disintegration from a political occurrence into a structural peculiarity.

In *Indira Nehru Gandhi* v. *Raj Narain*,[80] the Court warned that intrusion with the voting process could undermine the basic structure. The apex court in *Supreme Court Advocates-on-Record Association* v. *UOI,* provided for judicial supremacy in constitutional matters;[81]likewise, as the synchronisation tend to undermine the constitutional structure so it needs more judicial scrutiny.

---

[75] Vishal Anand & Pooja Kumari, *Federalism in Flux: A Critical Assessment of the Union's Legislative Dominance in Concurrent List Subjects* III LIJDLR 305 (2025), *available at;* https://lijdlr.com/2025/09/13/federalism-in-flux-a-critical-assessment-of-the-unions-legislative-dominance-in-concurrent-list-subjects/.

[76] *Kesavananda Bharati* v. *State of Kerala,* 1973 4 SCC 225.

[77] The court stated that ordinary legislation for instance Representation of People Act, 1951 cannot be challenged on the grounds of basic structure; *Kuldip Nayar* v. *Union of India,* AIR 2006 SC 3127.

[78] *H.S. Jain* v. *Union of India,* 1997 1 UPLBEC 594.

[79] This is in consonance with the Westminister model of responsible government; *The Westminster Model as a Constitutional Archetype* in WESTMINSTER AND THE WORLD: COMMONWEALTH AND COMPARATIVE INSIGHTS FOR CONSTITUTIONAL REFORM 77 (W. Bulmer ed., 2020), *available at:* https://www.cambridge.org/core/product/414942DB241F00D07868278841DB9669.

[80] *Indira Nehru Gandhi* v. *Raj Narain,* AIR 1975 SC 2299.

[81] *Supreme Court Advocates-on-Record Association* v. *UOI,* (2016) 5 SCC 1.

The Ratification Question under Article 368(2)

The initial section of this analysis noted that the Bill purposefully avoids amending the Seventh Schedule, as the same would bypass the statutory necessity for state ratification. Nevertheless, the main objective of the amendment is to stipulate state electoral cycles on the national calendar with a mask of synchrony. In *Kihoto Hollohan* v. *Zachillhu*,[82] the Court highlighted the binding effect of procedural requirements under Article 368 in the provisions affecting federal structure and judicial review. It was also observed that, "a key requirement of the democratic system envisioned by the Constitution is that elections must be held at regular, predetermined intervals."[83] The case of *Jindal Stainless Steel*,[84] provided that amendment wording must reflect legislative intent explicitly, but the provisions of the 129th CAB *prima facie* tend to create misunderstanding regarding interpretation.

Even if the drafters of the bill relied on a formalistic interpretation, the idea of constitutional morality would require that amendment altering state interest should carry state consent. In order to analyse the impact of ONOE on federalism, a structured proportionality approach similar to that of the *M. Nagraj*[85] should be adopted.

Free and Fair Elections as a Basic Feature

The Supreme Court has frequently affirmed that free and fair elections form a part of the basic structure.[86] The case of PUCL imposed severe necessity and proportionality requirements for limiting the rights; simultaneous-election deferrals should face the similar rigorous examination. Simultaneous elections, by their very design, may jeopardize electoral impartiality in two ways: firstly, through administrative overload, in which the ECI might not be able to ensure consistent fairness across concurrent elections in the country, and secondly, the problem of Issue-Dilution might arise as well, wherein the national campaigns might obscure regional and state-specific issues.

The court in *S. Subramaniam Balaji* v. *Govt of Tamil Nadu*,[87] concluded that administrative sanctions must entail transparency and accountability likewise, the

---

82 *Kihoto Hollohan* v. *Zachillhu*, AIR 1993 SC 412.

83 *Id. ; Supra* note 8.

84 *Jindal Stainless Steel* v. *State of Haryana,* 2003 Supp (4) SCR 154.

85 *M Nagraj* v. *Union of India*, AIR 2007 SC 71. The Apex Court in order to ensure that the constitutional amendments do not eliminate the fundamental framework adopted the proportionality approach. It required demonstrable evidence of backwardness and inadequate representation to justify constitutional validity, a rational nexus between the means and its end, and an assurance that efficiency under Art. 335 will not be undermined thereby upholding Constitutional morality in Amending process ensuring minimal impairment.

86 *Union of Civil Liberties* v. *Union of India,* 2009(2) SCJ 875; *Peoples' Union of Civil Liberties* v. *Union of India,* AIR 2003 SC 2363; *Indira Nehru Gandhi* v. *Raj Narain*, AIR 1975 SC 2299.

87 *S. Subramaniam Balaji* v. *Govt of Tamil Nadu,* (2013) 9 SCC 659.

ECI's power to defer elections should also be restricted by procedural safegaurds. The case of *Union of India* v. *Sri Harharan,*[88]which insisted on the principle of fair hearing can extensively be interpreted in this case as well because the lack of any hearing or appeal for election-deferral orders[89] also offends natural justice. Hence, the arrangement must be examined against the core attribute of equity, justice, reasonableness and non arbitrariness not merely administrative convenience.

Constitutional Morality and Cooperative Federalism

In this discourse, apart from the above discussed dimensions there is another important prospect of interaction between constitutional morality and cooperative federalism. In *Swaraj Abhiyan* v. *Union of India*[90] the Apex court declared that constitutional institutions *"meet and interact at various levels to achieve the cherished constitutional goal of cooperative federalism".*[91] The ONOE approach, however, appears to promote consistency and efficiency thereby undermining diversity and cooperation. Drawing from the reference of constitutional morality given in *Jaishri Laxmanrao Patil*[92] the pursuit of efficiency proposed by the ONOE might clash with deeper constitutional ideals.

The idea of constitutional morality embodies preserving the spirit of plurality enshrined throughout the Constitution. Even if the plurality is transplanted by the mask of efficiency or synchrony the same must be guided by the essence of cooperation and consensus because if the same doesn't exist it will be anything but not an ideal democracy.[93] The existence of the lists in the Seventh Schedule and the inter-governmental connections provided under Article 263 impliedly depicts a constitutional respect state sovereignty, not subjugation to central timing.

The constitutional features of the 129th CAB show that its effects are much beyond the black letters of textual revisions. The above discussion highlights the issues revolving around the provisions of the Bill regarding federalism, basic structure, voter's sovereignty and constitutional morality. Any such reform, if it is to be undertaken, must therefore respect the basic tenets of the constitutional framework by ensuring that consensus is the key and not imposition. The next subsection will analyse the provisions of the bill from a theoretical lens giving us the understanding of foundational underpinnings behind the amendment and also to look out for solving ambiguities by application of such theories and jurisprudential precepts.

---

88 *Union of India* v. *Sri Harharan @ Murugan*. (2014) 4 SCC 242

89 Like in the case of proposed art. 82A (5) of the Bill.

90 *Swaraj Abhiyan* v. *Union of India,* AIR 2017 SC 3516; (2018) 12 SCC 181.

91 *Id.,* Para 9, pp. 39; *see also: Government of NCT of Delhi* v. *Union of India*, (2018) 8 SCC 501.

92 *Jaishri Laxmanrao Patil* v. *The Chief Minister and Others*, AIRONLINE 2021 SC 240.

93 Lalmani Verma & Anjishnu Das.*One Nation, One Election: Opposition Opposed, Raises Concerns about Federalism, Constitutional Changes*, THE INDIAN EXPRESS (Mar. 15, 2024) *available at:* https://indianexpress.com/article/political-pulse/one-nation-one-election-parties-opposed-constitution-changes-9213880/.

Theoretical Dimensions of the 129th Constitutional Amendment Bill, 2024

While the previous part engaged with the Bill's constitutional framework, a greater exploration necessitates the analysis within the broader theoretical frameworks of constitutionalism and democratic governance. The amendment presents basic concerns for not mere legality, but also regarding constitutional philosophy. This section will now examine these theoretical dimensions by drawing inferences from comparative scholarship and established theories of jurisprudence.

The Constitutional Moment: A Test of Basic Structure and Identity

The idea of basic structure has its theoretical resemblance in *Gary Jacobsohn's* theory of constitutional identity.[94] In his work he cited the case of Minerva Mills, wherein the court held that, *"the Constitution is a precious heritage; therefore you cannot destroy its identity"*.[95] This idea contends that basic elements which embody the Constitution's character cannot be simply changed rather it must be preserved.[96] Although the proposal for ONOE under 129th CAB is officially an amendment under Article 368, it challenges this theory by hindering two of its most perceptive aspects, that are electoral democracy, for instance, if the unexpired period will be very short, it may undermine people's expectation of stable government and federalism, as national electoral calendar will diminish the political autonomy of states. The federalism is not just limited to the theory division of powers but also expands to the notion of shared sovereignty as given by Carl Friedrich.[97] The theory of polyarchal democracy given by Robert Dahl emphasizes upon that the democratic legitimacy depends on 'competitive elections at regular intervals,'[98] a concept that the Bill perhaps violates by giving the ECI excessive discretion in this regard. Hence, the idea of uniform electoral cycles tends to disturb the federal balance.

The curtailment of tenure of the state legislatures is not rooted in democratic failure for instance loss of majority then it will be susceptible. On the other hand, extension of tenure outside emergency would be unconstitutional because it would undermine the voter expectation and weaken electoral legitimacy. The mechanical

---

[94] Gary Jeffrey Jacobsohn, *Constitutional Identity* LXVIII THE REV. OF POLITICS 361, 361-397(2006). The Basic Structure doctrine has its philosophical reflection from the idea of Kelsen's Grundnorm serving as a limit beyond which derogation is not possible, *see*; Sanjay S. Jain, *Grounding the Basic Structure in Legal Theory* III MLJ 13 (2023), *available at:* https://www.nls.ac.in/wp-content/uploads/2023/05/MLJ-25-05-2023-13-24.pdf

[95] *Minerva Mills Ltd.* v. *Union of India,* AIR 1980 SC 1789, 1798.

[96] Gary Jeffrey Jacobsohn, *Constitutional Identity* in THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION 110 (Sujit Choudhry, et.al., eds. 2016).

[97] Carl J. Friedrich, CONSTITUTIONAL GOVERNMENT AND DEMOCRACY (1950); Johnathan O'Neill, *Carl J. Friedrich's Legacy: Understanding Constitutionalism as a Political System* XIV EUR. LEG. 283 (2009) *available at:* http://www.tandfonline.com/doi/abs/10.1080/10848770902931685.

[98] Robert A. Dahl, INTRODUCTION TO DEMOCRACY, LIBERTY, AND EQUALITY (1986); George Van Der Muhll, *Robert A. Dahl and the Study of Contemporary Democracy: A Review Essay* LXXI AMER. POL. SOC. REV. 1070-1096 (1977).

truncation erodes the vitality of representative democracy. Theoretically, therefore, ONOE represents not merely a simple adjustment rather it is a potential re-identification of India's constitutional identity, thereby giving primacy to efficiency over diversity and priority to centralization over federal sovereignty.

Democratic Governance: Beyond the Ballot Box

Democracy is not merely the act of voting per se rather it encompasses meaningful and periodic electoral choice. The idea of procedural democracy places a strong emphasis on competitive elections,[99] but Dahl's polyarchy deals with 'opportunities for political participation.'[100] The proposal for synchronisation lowers these opportunities, thereby concentrating them into a single five-yearly moment. In situation where the tenure is shortened, it would result in reduction of accountability and legitimacy which might encourage caretaker governance i.e., structurally unsound. *Jürgen Habermas's* theory of deliberative democracy[101] gives a critical insight here as he contends that democratic legitimacy is derived from 'communicative action' and enduring public discourse. As per Habermas, democracy demands the 'institutionalization of discursive interaction' where citizens engage in the 'rational public discourse' regarding their political choices.[102] The temporal compression of election moments under ONOE hinder the foundational pillar of democracy as it converts election into administrative exercises not means of sovereign revalidation.

From the prism of democratic theory, this proposal for synchronisation has at least three implications. Firstly, it will lead to *reduced accountability*, since citizens will lose the staggered opportunity to hold governments accountable, which is against the participatory democracy paradigm.[103] Secondly, it creates the issue of *representational dilution*, as national issues will become the core of elections and will thereby prevail, while the regional or local concerns, which are of the essence for federal pluralism, will be undermined, that would result into the violation of Pitkin's descriptive representation theory.[104] Thirdly, it will lead to the attrition of

---

[99] Joseph A. Schumpeter, CAPITALISM, SOCIALISM AND DEMOCRACY (1950); John E. Elliott, *Joseph A. Schumpeter and The Theory of Democracy* LII REV. SOC. ECON. 280 (1994), *available at:* https://www.jstor.org/stable/29769747.

[100] *Id.* note 98.

[101] Aleksandar Jovanoski & Kire Sharlamanov, *Jurgen Habermas and His Contribution To The Theory Of Deliberative Democracy* VII AM. INT. J. SOC. SCI. RES. 36 (2021), *available at:* https://www.cribfb.com/journal/index.php/aijssr/article/view/1296.

[102] *Jürgen Habermas: Politics as Rational Discourse*, in POLITICAL PHILOSOPHY: WHAT IT IS AND WHY IT MATTERS 135 (Ronald Beiner ed., 2014), *available at:* https://www.cambridge.org/core/product/2269A930662F07D0A3C4C5CA9DA70C8D.

[103] David Held, MODELS OF DEMOCRACY (2006).

[104] Suzanne Dovi, *Hanna Pitkin, The Concept of Representation*, *in* THE OXFORD HANDBOOK OF CLASSICS IN CONTEMPORARY POLITICAL THEORY (Jacob T. Levy ed. 2015) *available at:*

Contd…

the notion of *deliberative democracy*, because election rivalry at different levels ignites constructive debate and deliberation as well. The idea of synchronization however, raises a concern of homogenizing such political discourse, which is contrary to the ideal speech situation.[105] Hence, the ONOE model weakens these democratic imperatives which are believed to be vital as per Mill's theory of representative government.[106]

Temporal Sovereignty: The Triarchy of People, State, and Union

The proposal of synchronisation must also be assessed against the principles of sovereignty. The concept of legal positivism and classical sovereignty theory as given by Kelsen[107]and Bodin[108] respectively, puts a strong emphasis on the notion regarding continuity of sovereign power over time. The preambular presence of sovereignty has two connotations i.e., in India the legal sovereignty lies with the constitution but the political sovereignty lies with the people of the nation. The preambular objectives of social and political justice are intertwined for attainment of political sovereignty vested in the people, thereby resulting into cohesion followed by upholding unity and integrity amongst the nation.

The vision of sovereignty in Indian constitutionalism comprises of a bi-focal lens. On one hand there is *popular sovereignty*, which is expressed through regular elections and rooted in Rousseau's general will theory.[109] On the other hand, there

---

https://doi.org/10.1093/oxfordhb/9780198717133.013.24 (last visited Sep. 23, 2025); Haskell Fain, *Hanna Pitkin's The Concept of Representation* XIV NOÛS 109 (1980) *available at:* https://www.jstor.org/stable/2214898 (last visited Sep. 23, 2025).

[105] Nicholas Adams, *The Ideal Speech Situation* in HABERMAS AND THEOLOGY 23 (2006), *available at:* https://www.cambridge.org/core/product/A9D5738F045C3FF9E6809BCBFFE953F0 (last visited Sep. 23, 2025).

[106] Dennis Frank Thompson, JOHN STUART MILL AND REPRESENTATIVE GOVERNMENT (1976), *available at:* https://www.jstor.org/stable/j.ctt13x18nq (last visited Sep. 23, 2025); John Stuart Mill, CONSIDERATIONS ON REPRESENTATIVE GOVERNMENT (2004), *available at:* https://www.gutenberg.org/ebooks/5669 (last visited Sep. 23, 2025).

[107] Stanley Paulson, *Hans Kelsen and Normative Legal Positivism* in THE CAMBRIDGE HISTORY OF PHILOSOPHY 1870–1945, 737 (Thomas Baldwin ed., 2003), *available at:* https://www.cambridge.org/core/product/4E4E791AD4B6FE2B2B310157E1BA3071 (last visited Sep. 23, 2025); Lars Vinx, HANS KELSEN'S PURE THEORY OF LAW: LEGALITY AND LEGITIMACY (2007), *available at:* https://doi.org/10.1093/acprof:oso/9780199227952.001.0001.

[108] Jean Bodin, BODIN: ON SOVEREIGNTY (Julian H. Franklin ed., 1992) *available at:* https://www.cambridge.org/core/books/bodin-on sovereignty/1265AACC6237BF32D1AB9C545B4B71F6; STANFORD HUMANITIES CENTER, *Jean Bodin on Sovereignty* , *available at:* https://shc.stanford.edu/arcade/publications/rofl/issues/volume-2- issue-2/jean-bodin-sovereignty (last visited Sep. 23, 2025); Daniel Lee, THE RIGHT OF SOVEREIGNTY: JEAN BODIN ON THE SOVEREIGN STATE AND THE LAW OF NATIONS (2021) *available at:* https://doi.org/10.1093/oso/9780198755531.001.0001.

[109] Jitender, *Jean-Jacques Rousseau's Theory of General Will*, PSB (Jan. 10, 2023), *available at:* https://politicalscienceblog.com/jean-jacques-rousseaus-theory-of-general-will/ (last visited Sep. 23, 2025); Christopher McMahon, *Rousseau's General Will and the Will of All: A Present-Day Perspective* XXIX J. ETHICS 533 (2025), *available at:* https://doi.org/10.1007/s10892-025-09517-9.

is *state sovereignty*, which transpires in a federal structure with constitutionally independent mandates and resembling Althusius's federal theory which provides for shared authority between political communities.[110] By virtue of the proposal of ONOE the Bill impacts sovereignty at both individual as well as state level. At the individual level, sovereignty is temporally compressed labeling it as a onetime measure and at the state level, sovereignty is subordinated to a national timing.

Carl Schmitt in his idea of decisionism[111] cautioned upon the fact that sovereignty resided in *'who decides the exception'*.[112] In this present context, the administration at the central level decides the electoral timing. Hence, it is implied that synchronising the elections would undermine the temporal sovereignty of both persons and states, which deserves similar clear safeguards as in *re Berubari*. Thus, the solution with regard to this rift lies in *K.C. Wheare's* federal government theory.[113] It emphasized upon the idea that federal systems must adopt coordination sovereignty, and not hierarchical subordination.

The Executive as Architect: Delegated Powers and the Limits of Governance

The introduction of the Bill has raised a fundamental theoretical concern pertaining to the transfer of extraordinary discretion to the Election Commission and the President under Article 82A. The discretionary power given to ECI under Article 82 A (5) might result into executive collusion and arbitrariness so it must try to articulate reasons for such exercise of power.

The deferral of elections at the state level would result into constitutional inaction thereby creating a situation like that of President's rule. This issue is of great concern because the discretion if abused might result into a phase of indirect state emergency which might be used by the Union as a tool to take away the powers of the state.

---

[110] Jerusalem Centre for Public Affairs, *Althusius and Federalism as Grand Design*, *available at:* https://dje.jcpa.org/articles2/althus-fed.htm (last visited Sep. 23, 2025); Koos J Malan, *Johannes Althusius' Grand Federalism, the Role of the Ephors and Post-Statist Constitutionalism* XX POTCHEFSTROOM ELECTRON. LAW J. 1 (2017), *available at:* https://perjournal.co.za/article/view/4167; Lingkai Kong, *Johannes Althusius: The First Federalist in Early Modern Times* V HISTORIES 35 (2025) *available at:* https://www.mdpi.com/2409-9252/5/3/35.

[111] Renato Cristi, *Carl Schmitt: Decisionism* in THE OXFORD HANDBOOK OF ORDOLIBERALISM (Thomas Biebricher, Peter Nedergaard, & Werner Bonefeld eds., 2022), *available at:* https://doi.org/10.1093/oxfordhb/9780198861201.013.16; AMERIKA, *Carl Schmitt's Decisionism (Paul Hirst)*, https://www.amerika.org/texts/carl-schmitts-decisionism-paul-hirst/ (last visited Sep. 23, 2025).

[112] Nomi Claire Lazar, *Decision and Decisionism* in THE DECISIONIST IMAGINATION: SOVEREIGNTY, SOCIAL SCIENCE AND DEMOCRACY IN THE 20TH CENTURY, 126, 109-134 (Daniel Bessner & Nicolas Guilhot eds., 1 ed. 2018), *available at:* http://www.jstor.org/stable/10.2307/j.ctvw04b7q (last visited Sep. 23, 2025).

[113] Michael Burgess, *Kenneth C. Wheare and the Federal Principle* in IN SEARCH OF THE FEDERAL SPIRIT: NEW COMPARATIVE EMPIRICAL AND THEORETICAL PERSPECTIVES, 32–59 (Michael Burgess ed., 2012) *available at:* https://doi.org/10.1093/acprof:oso/9780199606238.003.0003.

Moreover, whenever the conditions to impose the state emergency i.e., failure of constitutional machinery under Article 356[114] would turn out to be difficult to establish then this provision might be acting as a backdoor entry for President's rule.

James Madison's philosophy on separation of powers, cautioned against "the accumulation of all powers legislative, executive and judiciary in the same hands".[115] His system of 'checks and balances' were designed to ensure that 'ambition must be made to counteract ambition.'[116] The discretion vested upon the executive must be exercised cautiously to result into fairness and non-arbitrariness, thereby instilling faith upon the voters regarding the authority of executive. The idea of separation of powers, given by Montesquieu,[117] highlighted that "political liberty is to be found only when there is no abuse of power."[118] This premise is wrecked by the executive's concentration of power over election schedule as discretion of such nature might act as a tool for authoritarian regime.

While Alexander Hamilton's idea of federalism[119] argues for a strong national government he also expressed his concern against the federal overreach which tends to damage state's autonomy.[120] Legal and Political theorists have already cautioned that delegated discretion without adequate procedural safeguards might result into weakening the separation of powers. Theoretically, ONOE proposal raises concern of creating a hybrid regime where the executive will influence electoral timings,

---

[114] The Constitution of India, 1950, art. 356*: Provisions in case of failure of constitutional machinery in State.*

[115] *Separation of Powers: James Madison, Federalist, No. 51* 347-353, (1788), *available at:* https://press-pubs.uchicago.edu/founders/documents/v1ch10s16.html (last visited Sep. 23, 2025); *The Federalist Papers #47: Separating Legislative, Executive and Judicial Powers Is a Good Principle, But Perfection in This Regard Is Impossible—James Madison*, CONFESSIONS OF A SUPPLY-SIDE LIBERAL (Jan. 23, 2022), *available at:* https://blog.supplysideliberal.com/post/2022/1/23/the-federalist-papers-47-separating-legislative-executive-and-judicial-powers-is-a-good-principle-but-perfection-in-this-regard-is-impossible. (last visited Sep. 23, 2025).

[116] *Id.*; USA History Timeline, *The Role of James Madison in Establishing Checks and Balances in Government*, *available at:* https://www.usahistorytimeline.com/pages/the-role-of-james-madison-in-establishing-checks-and-balances-in-government-fb156aad.php (last visited Sep. 23, 2025); *See also:* S.A. de Smith, JUDICIAL REVIEW OF ADMINISTRATIVE ACTION (1959).

[117] The idea of Montesquieu influenced Madison's theory on separation of power as well.

[118] National Constitution Center, *Constitution 101 Resources, 6.5 Primary Source: Montesquieu, The Spirit of the Laws* (1748), *available at:* https://constitutioncenter.org/education/classroom-resource-library/classroom/6.5-primary-source-montesquieu-the-spirit-of-the-laws (last visited Sep. 23, 2025); *Constitutional Government: Montesquieu, Spirit of Laws,* 20 (1748), *available at:* https://press-pubs.uchicago.edu/founders/documents/v1ch17s9.html (last visited Sep. 23, 2025).

[119] THE FEDERALIST PAPERS, *Federalist No. 28: The Same Subject Continued (The Idea of Restraining The Legislative Authority In Regard To The Common Defense Considered),* (Dec. 26, 1787), *available at:* https://americanliterature.com/author/alexander-hamilton/book/the-federalist-papers/federalist-no-28-the-same-subject-continued-the-idea-of-restraining-the-legislative-authority-in-regard-to-the common-defense-considered (last visited Sep. 23, 2025).

[120] Peter N. Ubertaccio III, *Hamilton, Alexander - Federalism in America*, *available at:* http://encyclopedia.federalism.org/index.php/Hamilton,_Alexander (last visited Sep. 23, 2025).

mainly if it is mediated through the ECI. Even though it is not yet adjudicated still the proposal cautions that it could result into centralization of power and possibly reduce staggered accountability. This would be undermining the principle of distinct powers[121] and might result into something what Juan Linz termed as '*delegative democracy.*'[122]

Constitutional Morality: Balancing Principles and Pragmatism

The idea of constitutional morality is rooted in the Constitution. It can be understood as a restraint force on state power that should derive from the preambular percepts of the constitution.[123]As described in the case of *Jaishri Laxmanrao Patil,*[124] the notion of constitutional morality involves an allegiance not only towards the textual requirements but also to the underlying democratic ethos and pluralist character of constitutional framework. Drawing from the historical research of George Grote, B.R. Ambedkar in his idea of constitutional morality, highlighted that the constitutional systems must nurture a moral adherence towards democratic values.[125] Ronald Dworkin's theory of constitutional interpretation distinguishes between 'rules' and 'principles,'[126] thereby saying that constitutional morality often requires giving primacy to principles above administrative convenience. The proposal for ONOE tries to setup an efficiency paradigm resulting into decrease in election expenses, limiting disruption, and streamlining governance.

However constitutional morality, which is in consonance with Fuller's internal morality of law,[127] raises a fundamental question in this discourse i.e., whether the

---

[121] *Supra* note 115.

[122] Scott Mainwaring & Matthew S. Shugart, *Juan Linz, Presidentialism, and Democracy: A Critical Appraisal* XXIX COMP. POLIT. 449-471 (1997) *available at:* https://www.jstor.org/stable/422014 (last visited Sep. 23, 2025); *see also:* Guillermo A. O'Donell, *Delegative Democracy* V J. DEMOCR. 55, (1994), *available at:* https://muse.jhu.edu/pub/1/article/225426.

[123] PTI, *CJI Chandrachud Underlines 'Constitutional Morality' as Means to Preserve India's Diversity*, THE ECONOMIC TIMES (Jul. 01, 2024) *available at:* https://economictimes.indiatimes.com/news/india/cji-chandrachud-underlines-constitutional-morality-as-means-to-preserve-indias-diversity/articleshow/111360852.cms (last visited Sep. 23, 2025).

[124] *Supra* note 92.

[125] Constituent Assembly Debates, Vol. VII (4th November 1948), Grote History of Grecce, Volume III, page 347, cited in Garima Mathpal & Poonam Verma, *Constitutional morality –Historical Perspective and understanding the concept* IX IJRAR 30 (2022); Rohil Oberoi, *Constitutional Morality in India: Dr. B.R. Ambedkar's Blueprint for Democracy* in THE VOYAGE OF THE INDIAN CONSTITUTION: IDEAS, ISSUES, INSTITUTIONS AND IMPACT (Shiv Poojan Prasad Pathak ed., 2025) *available at:* https://www.researchgate.net/publication/392520869_Constitutional_Morality_in_India_Dr_BR_Ambedkar's_Blueprint_for_Democracy (last visited Sep. 23, 2025).

[126] Silvia Niccolai, *Between Principles and Rules* in HUMAN DIGNITY AND THE AUTONOMY OF LAW 133 (José Manuel Aroso Linhares & Manuel Atienza eds., 2022), *available at:* https://doi.org/10.1007/978-3-031-14824-8_8.

[127] Peter P. Nicholson, *The Internal Morality of Law: Fuller and His Critics* XXCIV ETHICS 307 (1974),

Contd…

erosion of federal autonomy and diminished public accountability is justified on the ground of efficiency? The notion of political liberalism as argued by Rawls emphasizes upon the fact that constitutional elements must reflect not merely technical efficiency rather it should be rooted in 'public reason' i.e., accessible, inclusive and deliberative for all citizens.[128] As discussed in previous section, the Court in *Subramaniam Balaji*[129] reminded us that governance must be in line with the principles of justice and non-arbitrariness, even in the cases of policy imperatives. By the same analogy, we can say that efficiency in election administration cannot override the underlying moral commitment to plurality and periodic sovereignty.

Comparative Perspectives: Lessons from Plural Polities

A theoretical appraisal is incomplete without giving reference to comparative aspect. The provisions of this 129th Bill, will be analysed from the lens of comparative theory in order to ascertain the best practices and draw parallel from such comparison. The theory of consociational democracy as given by *Arend Lijphart* puts forward the idea that in case of heterogeneous federal societies the practice of 'grand coalitions' and a 'mutual veto' are essential instead of the mere majoritarian efficiency.[130]Also, *William Riker's* idea of federalism highlighted that federal governments do succeed when they efficiently strike a balance between the two arms i.e, 'self-rule and shared rule'.[131]

In most federal democracies, the practices of staggered elections are the general norm precisely because they have a tendency to reflect numerous temporal sovereignties. For instance, in case of the United States, presidential, congressional,

---

available at: https://www.jstor.org/stable/2380144; Kristen Rundle, *Fuller's Internal Morality of Law, available at:* https://www.academia.edu/29773647/Fullers_Internal_Morality_of_Law (last visited Sep. 24, 2025).

[128] John Rawls, POLITICAL LIBERALISM (1996); John Rawls, POLITICAL LIBERALISM: EXPANDED EDITION (2005), *available at:* https://www.jstor.org/stable/10.7312/rawl13088 .

[129] *Supra* note 87.

[130] Arend Lijphart, *Consociational Democracy*, XXI WORLD POLIT. 207 (1969), *available at:* https://www.jstor.org/stable/2009820; SPRINGER LINK, *Power-Sharing and Consociational Theory* , *available at:* https://link.springer.com/book/10.1007/978-3-030-14191-2 (last visited Sep. 24, 2025); Neophytos Loizides, *Arend Lijphart and Consociationalism in Cyprus*, in CONSOCIATIONALISM AND POWER-SHARING IN EUROPE: AREND LIJPHART'S THEORY OF POLITICAL ACCOMMODATION 155 (Michaelina Jakala, Durukan Kuzu, & Matt Qvortrup eds., 2018), *available at:* https://doi.org/10.1007/978-3-319-67098-0_8; *(PDF) Lijphart, Lakatos, and Consociationalism*, *available at:* https://www.researchgate.net/publication/231791957_Lijphart_Lakatos_and_Consociationalism (last visited Sep. 24, 2025).

[131] Sean Mueller, *Self-Rule and Shared Rule*, 50 SHADES OF FEDERALISM (Oct. 25, 2017), *available at:* https://50shadesoffederalism.com/theory/self-rule-shared-rule/; *Origin, Operation, and Significance: The Federalism of William H. Riker*, RESEARCHGATE (2025), *available at:* https://www.researchgate.net/publication/254440627_Origin_Operation_and_Significance_The_Federalism_of_William_H_Riker (last visited Sep. 24, 2025).

and state elections follow a different cycle,[132] which assures in resulting continual accountability and aligns with *Woodrow Wilson's* philosophy of congressional governance.[133] In case of Germany, the *Bundestag* (federal) and *Länder* (state) elections are not synchronized, thereby giving political autonomy to states and importance to regional choices without being undermined by the national campaigns.[134] This practice ensures the protection of federal autonomy and remains in consonance with *Gierke's* federal idea.[135] Similarly, Canada's federal structure also maintains separate electoral cycles for federal and provincial elections.[136] Daniel Elazar in his covenant theory of federalism argues that federalism is based on covenantal relationships and not hierarchical control. In his view, federal relations essentially require mutual assent and shared responsibility rather than central imposition.[137] The proposed ONOE model in India promises efficiency by means of synchronization however from the above discussions it can be cautioned that the said idea might risk undermining of federal diversity and regional autonomy. Its aspiration for electoral uniformity reflects a unitary impulse, which sits uneasily with India's pluralist constitutional character where electoral plurality is considered as a guarantee of diversity.

The theoretical nuances of the 129th Constitutional Amendment Bill provide us a philosophical lens to view this proposal not merely as a technical correction rather implicating upon rebuilding of Indian democracy. Taking references from the layered approach this section reveals that ONOE undermines core democratic

---

[132] The presidential election takes place after every four years, Congressional elections which is for the House and one-third of the Senate takes place every two years. Moreover, State elections vary according to state wherein governors and legislatures are elected on different schedules which is not often aligned with the federal elections. *See also:* Carlos Algara et al., *Forecasting Partisan Collective Accountability during the 2024 US Presidential and Congressional Elections*, LVIII PS POLIT. SCI. POLIT. 211 (2025), *available at:* https://www.cambridge.org/core/product/9D6C577734D4FDB6CEED4256C60EE4BD.

[133] Woodrow Wilson, CONGRESSIONAL GOVERNMENT: A STUDY IN AMERICAN POLITICS (2017).

[134] Germany is a federal republic comprising of 16 states, each having constitutional autonomy. The *Bundestag* i.e., the federal parliament is elected for every four years, the *lander* elections are not synchronised with federal elections rather it takes place independently by each state on different schedules. *See also:* Salvatore Barbaro & Julia M Rode, *What Explains German Länder Governments' Stances Towards Federalism?* LV PUBLIUS J. FED. 325 (2025) *available at:* https://doi.org/10.1093/publius/pjae050.

[135] Otto von Gierke, *The Idea of Federalism* in REVIVAL: THE DEVELOPMENT OF POLITICAL THEORY (1939) (1939).

[136] Federal elections in Canada are held every four years while each province have its own electoral schedule governed by provincial legislation. THE CANADIAN ENCYCLOPEDIA, *Canadian Electoral System*, *available at:* https://www.thecanadianencyclopedia.ca/en/article/electoral-systems (last visited Sep. 24, 2025).

[137] Daniel J. Elazar, EXPLORING FEDERALISM (1987); Michael Burgess, *Daniel J. Elazar and Federalism as Covenant* in IN SEARCH OF THE FEDERAL SPIRIT: NEW COMPARATIVE EMPIRICAL AND THEORETICAL PERSPECTIVES 180-219 (Michael Burgess ed., 2012), *available at:* https://doi.org/10.1093/acprof:oso/9780199606238.003.0007.

values and federal ideals. The Bill unnerves the equilibrium between governance and liberty thereby implicating a shift in the Indian constitutional goal, from a plural federal democracy to the one that emphasizes on centralized efficiency. This change resembles a scenario what Bruce Ackerman refer as 'constitutional moment' undermining the deliberative legitimacy which such occasions requires.[138]

IV

Concluding Remarks

The above analysis has provided us a nuanced understanding of the idea of One Nation One Election. This article has covered the historical aspect of simultaneous elections, followed by valuable findings of various reports thereby giving us a feasibility assessment through the policy framework. The Constitutional contours have provided us various dimensions of synchronization in electoral cycles by way of proposed amendment. Moving forward, the theoretical aspect has been helpful for a broader and comprehensive analysis of the proposal for simultaneous elections.

However, mere analysis of the proposal is not enough if there are not practical recommendations following the same. In order to provide a feasible framework for applying the simultaneous elections in India the Bill in its present form must be adopted with certain recommendations. The suggestions for better implementation of the proposal with constitutional feasibility can be on the following lines.

There should be a creation of phase-wise synchronization schedule. This will allow the states to gradually align their election cycles, let say over a period of 10 years through consensual resolution. There should be a quasi-judicial body which will help in solving the disputes arising out from this change and the solution must be accompanied with legally reasoned decision. To solve the ambiguity of remaining period in case of early dissolutions, a mechanism should be devised for preferential voting where a voter can choose for 2nd party; in doing so a balance of powers between various political parties must be done. Also, there should be an inclusion of 'buffer term' for assemblies which are dissolved earlier for instance, less than 18 months.

The bypass created for not taking state ratification might tend to loosen the fabric of cooperative federalism. In order to solve this, consultations with all state governments must be done before altering the timelines. In order to control the discretionary power given to ECI under Article 82A (5) of the said Bill there should be adoption of transparent reasoned disclosure while exercising such discretion. This would instill faith over the constitutional body thereby strengthening the ideals

[138] Bruce Ackerman, *Constitutional Politics/Constitutional Law* IC YALE LJ 453 (1989).

of democracy. The interest of local state parties and issues of regional interest should not be undermined because in the present form for bringing about the light of synchrony the Lok Sabha appears to be the sole torch bearer.

For upholding constitutional accountability before synchrony, the Election Commission and Governor must certify that a truncated assembly's governance has been stable. In extra ordinary circumstances the states must be allowed to temporarily de-link themselves from the scheme of synchrony by means of a state legislature resolution ratified by the parliament. This would give the states a confidence that through this proposal their autonomy will not be undermined.

Thus, in order to implement the idea of One Nation One Election, we must keep in mind that the synchrony should not be a shortcut rather it must be a symphony with democratic rhythm. This way, the rhythm of democracy will follow the tempo of reform thereby resulting into harmony not by uniformity rather by clean interplay of varied electoral melodies.