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SYNCHRONIZING DEMOCRACY: A ROAD TO ELECTORAL REFORMS

- Simran Kotwal¹ & Simran Rauf²

ABSTRACT

The concept “One Nation One Election” being a recent transformative and ever-changing proposal made by the government of India to align the elections of both union and state government being contested simultaneously in the territory of India. This typically means holding of all the state and union election processions in a common or specific time frame with the objective of reducing the costing of election as well as enhancing the efficiency of the government by better utilization of resources through synchronization of electoral processions.

This paper critically analyses the current legal framework in the country regarding election procedure and will profoundly examine and explore the requirements of all the modification to be made into the Constitution of India, Representation of the People Act 1951, Delimitation Act 2022, and the Rules of Procedure of Lok Sabha and State Assemblies. One of the most significant strands of the said proposal is to concomitantly conduct elections of the Lok Sabha and the Legislative Assemblies in all the States and the Union Territories. With the objective to bring down the expected consequences and for the success of the said proposal, certain legal amendments are required to be done, to mandates of various electoral bodies and to some specific provisions of the statutes which particularly deals with the duration and the dissolution of the Legislative Assemblies.

Lastly, this paper strives to elaborate and discuss all the challenges and objectives behind the introduction of such concept and a broader discourse in our democratic framework which mainly includes administrative redundancies, minimization of electoral costings and enhancement of the overall governance. And how the concept such as “One Nation One

¹Assistant Professor, Government Law College, Bundi

²Assistant Professor, JECRC University, Jaipur

For general queries or to submit your research for publication, kindly email us at ijalr.editorial@gmail.com

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Election” shows one of the innovative facets of the evolution of the world’s largest democracy.

KEYWORDS

Electoral Synchronization, Legal Amendments, Democratic Innovation, Cross Party Consensus, Governance Efficiency, Constitutional Reform, Political Coordination.

INTRODUCTION

Our country India, is a democratic country with both unitary and federal features. As one of the renowned jurist and constitutionalist K.C. Wheare has righteously defines constitution as “quasi federal” which clearly means separation of powers between central and the state government. This separation of powers is one of the most important federal features of the Indian Constitution which says that the central and the state government have different government and different set of legislations. Therefore, the constitution establishes a system of dual polity with the union and the state government handling different areas of the governance. Now, when we talk about election, which means a process whereby people vote to choose a person or group of people to hold a specific official position. And such process of election takes place according to the different set of rules and regulations mentioned in the Indian constitution and under various other statutes responsible for regulation of the election procession occurring at each level of the democracy. The other statutes concerning the election processions are The Representation of Peoples Act, 1950, 1951, Delimitation Act 1972, Election symbol Act 1968, Anti- Defamation Act, 1985 and lastly the Model code of conduct.

The Constitution (129th Amendment) bill 2024 and the union territory laws (Amendment) Bill 2024, introduced by centre in the parliament on the date 17th oct 2024 to give effect to one nation one election whereby the bill seeks to introduced a mechanism to hold simultaneous election. The bill proposes certain amendments to the constitution and addition of couple of new articles to enable simultaneous election for the Lok Sabha and the State Legislative Assemblies. In India, the general election to elect the members of the state assembly and the parliament are held separately when the incumbent government tenure ends or gets dissolved for the same reason.

Before this, a high-level committee was formed which was headed by the former president of India, Ram Nath Kovind has recommended the idea of simultaneous election of the state

assemblies and the parliament. The concept of simultaneous election is not a new notion for India. As in India, simultaneous election to the Lok Sabha and Vidhan Sabha were previously been held in the year 1951-1952, 1957, 1962 and 1967 which basically disrupted the flow of entire election procession due to pre-mature dissolution of state assemblies in the year 1968-1969 and of Lok Sabha in the year 1970. But such disruption resulted in certain positive changes or benefits as well including reduction in the substantial costing of election and Simultaneous elections can definitely streamline these processes, enabling better resource management and governance focus. The critics of one nation one election fears that it may undermine federalism, yet historical precedence in the year 1951 has suggested that simultaneous elections can promote cooperative federalism, aligning national and state election cycles which could also foster closer collaboration between governments at different levels, enhancing policy implementation and addressing both national and regional concerns more effectively.

CURRENT LEGAL FRAMEWORK

Our country India is one of the world's largest democracies. The democratic setup of India largely depends on elections and active participation of the people for the selection of their needful representative. So, the election in India is conducted at the multiple levels. These levels are:

1. **LOK SABHA ELECTION**- Lok Sabha is lower house of the Indian parliament and the election to it are held every five year which is also the tenure of the representative chosen from the election. These elections are basically conducted to choose the member of the parliament or as we call them "MPs" who once selected will represent their constituencies in Lok Sabha.
2. **RAJYA SABHA ELECTION**- Rajya Sabha is the upper house of the Indian parliament and the election of this house takes place every two year. The members of the Rajya Sabha are elected by the elected members of the State legislative assembly.
3. **STATE LEGISLATIVE ASSEMBLY**- Every State in India has a legislative assembly and the election to these assemblies are held every five years. The members of Legislative Assemblies (MLAs) are elected by the people of their respective constituencies.

4. PANCHAYAT ELECTION- Panchayat raj system is the local Self-government bodies at the village level, the election of which are being conducted to choose the representative of the local bodies.

Now, there are certain laws which are made by the parliament to govern all the Elections mentioned above. As election laws refers to the set of rules and regulations and procedure that govern the procession of election at all the levels, such bodies manage elections regarding their conduct and regulation in the country. These rules, regulations and regulatory measures ensures the fairness, transparency and integrity of the electoral process, providing a fair level playing field for the political parties and the candidates. The election laws in India are aimed at upholding the democratic principles and safeguarding the rights of the voters in our country. There are so many rules as founding principles of the election commission of India and among which a important rule which hold the sanctity of the election. i.e. political parties needs to be registered with the commission so that there could be elimination of unauthorized entry into the election processions.

LIST OF LAWS GOVERNING ELECTION IN INDIA

1. Representation of the people act 1950 & 1951 and the Delimitation act 1972: The main objectives of these two laws are the Delimitation of the constituencies, prescribing additional qualification for the voters and the preparations of the electoral poles etc. a separate law for the constitution of the delimitation commission was enacted in the year the year 1972. And after that the delimitation of the constituencies was done by the election commission of India.
2. The Representation of the peoples Act 1951: Another legislation governing the elections in India which lays down the detailed provisions regarding qualification and disqualification for candidates. It also prescribes for the time schedule for election's administrative machinery for conducting election. It also lays down the roles, rights and functions of the candidates and their agents, manner of voting, counting of votes and duration of the results, disposal of election offences, suspension of the polls and countermanding of election registration of the political parties.
3. The Registration of election rules 1960: The rules contained in this statute are related to the preparation of electoral roll, their periodic updating and revision of the entire schedule. This act provides for the process of the registration of the eligible voters together with issuance of the registered voters identity cards with their photographs.

This typically fosters the facility of inclusion of the eligible and registered voters in the electoral rolls and the exclusion of non- eligible and non- existing voters from the electoral roll.

4. Election symbol Act,1968: This act empowers the election commission to recognise the political parties and allot the symbols to their respective parties.
5. Anti- Defamation Act, 1985: According to this law, if a member of house, belonging to a particular party, gives up his right to membership of that particular political party or votes or abstain from voting, contrary to the duration of his political will comes under the situation of the defection.
6. Model code of conduct: This Model Code of Conduct is a set of rules and regulations framed and implemented by the election commission of India to be followed by the political parties and candidates during the election.

ONE NATION ONE ELECTION: KEY FEATURES OF THE BILL

- The Constitutional 129th Amendment Bill 2024 “One Nation One Election” proposes adding Article 82A(1-6) to the Constitution to align the terms of the Lok Sabha and State Assemblies, as recommended by the committee headed by former President Ram Nath Kovind.
- Article 82 (1-6): 82A (1) provides for the timeline for the President to bring into force the proposed changes on the date of the first sitting of the Lok Sabha after a general election, designating this as the "appointed date."
- 82(2) states that the terms of all state Assemblies elected after the appointed date and before the Lok Sabha's full term ends will conclude with the Lok Sabha's term.
- Article 82A(3) states that the Election Commission of India (ECI) shall conduct general elections to the House of the People and all Legislative Assemblies simultaneously.
- Article 82 A(4) defines simultaneous elections as “general elections held for constituting the House of the People and all the Legislative Assemblies together”.
- Article 82A(5) gives the ECI the option of not holding any particular Assembly election along with the election to Lok Sabha. The ECI can advise the President to issue an order allowing elections for a Legislative Assembly to be held at a later date.

- Article 82A(6) states that if an Assembly election is deferred, the full term of that Assembly will also end with the full term of the Lok Sabha elected in the general election.
- Amendment to Article 83 and 172: The bill states that if the Lok Sabha is dissolved before the end of its full term, the next Lok Sabha will only be for the unexpired term “the period between its date of dissolution and five years from the date of the first meeting”. This means that Bills pending in the House will expire, as it happens even when the House has functioned for a full term.
- For state assemblies, amendments proposed for Article 172, which governs the duration of state legislatures. If a state assembly is dissolved before its term ends, elections would be held for the remaining term of the previous assembly.
- Amendment to Article 372: The Bill proposes amending Article 372 to include "conduct of simultaneous elections" after "delimitation of constituencies," expanding Parliament's power over state legislature elections.
- The bill excluded the election of Local bodies and Municipalities.
- The Union Territories Laws Amendment Bill 2024: The Bill 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

CHALLENGES

Before implementing the concept of One Nation One Election. It is very important to discuss the challenges which lies behind the commencement of such changes. As challenges mainly remains in the constitutional and logistical domain which need significant and comprehensive safeguards in order to successfully implement one nation one election. Moreover, its major impact on regional representation, administrative capacities and practice of free and fair election must be thoroughly analysed to ensure if any difficulty emerges, then the same can be taken care of immediately.

- Constitutional Difficulties - Synchronizing electoral procession of all the constituencies at Union, State and at the level of all the local bodies is very difficult because of presence of different set of constitutional provisions for separate election

processions which also forms part of the basic structure of the constitution and modifying the constitution pose a significant challenge.

- **Conflict with Anti-Defection Law:** The anti-defection provisions under the Tenth Schedule of the Constitution may be compromised if governments are formed for "unexpired periods" as suggested in the proposal. This could lead to increased political instability and horse-trading.
- **Curtailment of President's Powers:** The proposal may limit the President's power to dissolve the Lok Sabha on the advice of the Prime Minister under Article 85, potentially altering the balance of power between the executive and legislature. Since the ability to dissolve the Lok Sabha is a critical tool for addressing political instability, restricting this power could weaken the President's constitutional authority. This change could reduce the flexibility to manage governance crises, especially in situations where coalition governments face internal disputes.
- **Political Opposition –** Many political parties are not very much familiar and satisfied with the concept of one nation one election and fears loss of regional identity and influence by shifting the electoral narrative toward national issues, overshadowing localized concerns.
- **Financial Implications:** While simultaneous elections may reduce frequent election expenses in the long term, the initial investment required for restructuring the electoral framework is substantial. Expenditure on electronic voting machines (EVMs), increased security deployment, and comprehensive voter education programs will require significant financial resources.
- **Logistical Difficulties:** Conducting nationwide elections simultaneously demands extensive logistical preparation. Coordinating polling staff, setting up booths, and ensuring voter accessibility across vast geographical regions present immense challenges. Additionally, adequate security deployment to manage large-scale elections will require detailed planning. A phased approach involving gradual synchronization of state elections could help minimize disruptions while allowing time to build the necessary infrastructure and resources.
- **Impact on Regional Issues:** Simultaneous elections may inadvertently reduce focus on regional concerns, as national narratives could overshadow local issues. These risks weaken the influence of state parties and minimizes the prominence of region-specific

development agendas. To address this, dedicated platforms must be developed to ensure that regional issues receive appropriate attention during election campaigns

- **Voter behavior and Awareness:** Holding multiple elections at once may confuse voters, particularly in constituencies where they must select candidates for national, state, and possibly local elections simultaneously. This confusion could result in uninformed voting decisions, affecting electoral outcomes. To mitigate this, comprehensive voter education campaigns should be introduced to explain the voting process.
- **Judicial Interventions:** Legal disputes and election-related conflicts are common in India. Introducing synchronized elections could increase the complexity of such disputes, as multiple election outcomes could face legal challenges simultaneously.
- **Administrative Overload:** Managing voter data, election materials, and electoral staff for nationwide simultaneous elections could overwhelm the administrative machinery. Ensuring smooth coordination between central and state authorities will be crucial. Leveraging technology to streamline voter registration, data management, and result tabulation can enhance administrative efficiency and reduce errors during the electoral process.
- **Security Concerns:** Deploying security forces across the entire country simultaneously poses a significant challenge. Ensuring law and order in sensitive regions during large-scale elections requires extensive planning. Developing a comprehensive security strategy that includes regional security reinforcements and community awareness initiatives can help maintain peace and prevent election-related violence.
- **Impact on Governance:** If a government dissolves before its term, holding fresh elections in just one region may contradict the purpose of synchronized elections. This scenario risks disrupting the stability of the synchronized cycle. Developing legal safeguards such as interim governance mechanisms or designated caretaker governments can help maintain administrative continuity and ensure effective governance until fresh elections are conducted.
- **Challenges to Local Body Elections:** The suggestion to hold local body elections within 100 days of national and state elections may conflict with state laws governing local bodies and could be seen as centralizing power, contrary to the 73rd and 74th Constitutional Amendments which empower local self-governance.

CONCLUSION

One Nation One Election is regarded an innovative evolution for India's electoral system as well as our democracy. The concept is aimed at India's electoral framework, designed to optimize the democratic process and improve the effectiveness of governance. While the idea presents several advantages such as reduced electoral costs, improved administrative efficiency, and uninterrupted governance, it also poses challenges including potential regional imbalances and political disagreements. Consequently, careful deliberation and specific legal amendments are necessary to address these concerns. By fostering cooperation among political parties and establishing a robust legal framework, this concept has the potential to become one of the most effective strategies for improving governmental efficiency in India. Ensuring an inclusive dialogue process and well-structured coordination mechanisms is vital to achieving consensus and successful implementation.