

## ELECTORAL SYNCHRONICITY IN INDIA: A LEGISLATIVE AND CONSTITUTIONAL ANALYSIS OF THE 'ONE NATION, ONE ELECTION' FRAMEWORK

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### Abstract

This paper undertakes a comprehensive legislative framework analysis of the One Nation, One Election (ONOE) proposal in India. ONOE envisions the simultaneous conduct of elections to the Lok Sabha and all State Legislative Assemblies, thereby eliminating the cycle of staggered polls that currently characterises Indian electoral democracy. The analysis examines the constitutional provisions governing the terms of Parliament and State Assemblies, the authority vested in the President and Governors for dissolution, the tensions inherent in India's federal structure, and the amendments required to the Representation of the People Acts of 1950 and 1951.

The paper critically evaluates the Constitution (129th Amendment) Bill, 2024, and the HighLevel Committee Report led by former President Ram Nath Kovind. It examines doctrines such as the Basic Structure, the Remainder Term, the Appointed Date mechanism, and the proposed Logistical Deferment clause. Drawing upon landmark judicial decisions including *Kesavananda Bharati v. State of Kerala*, *S.R. Bommai v. Union of India*, and *Samsher Singh v. State of Punjab* the paper assesses the constitutional validity of ONOE and the procedural prerequisites for its implementation. The paper concludes by mapping the legislative roadmap and identifying the unresolved federal tensions that continue to delay ratification of the proposed amendments.

### Introduction:

The idea of One Nation, One Election is not new to Indian political discourse. It found early articulation in the Law Commission's 170th Report of 1999 and has since been revived periodically by successive governments and constitutional bodies. However, it was not until the Constitution (129th Amendment) Bill, 2024, introduced by the Union Cabinet following the recommendations of the Kovind High-level Committee, that ONOE moved from academic debate to active legislative consideration.

India's electoral calendar is a perpetual cycle. With 28 states and 8 Union Territories each holding assembly elections at different intervals, the country finds itself in an almost unbroken state of electoral activity. The Model Code of Conduct which constrains governance and policymaking during election periods is consequently operative in some part of the country for much of the year. Proponents of ONOE argue that synchronising elections would reduce the disruption to governance, lower the cumulative cost of elections, and allow elected governments to focus on administration rather than perpetual campaigning.

Critics, however, raise fundamental constitutional, federal, and democratic objections. The Westminster tradition of parliamentary confidence wherein the executive survives only so long as it commands a majority sits in inherent tension with the rigidity of fixed electoral terms. India's quasifederal structure, recognised by the Supreme Court in a long line of decisions, further complicates any attempt to impose a uniform electoral calendar from the centre. The Basic Structure doctrine limits the extent to which Parliament may amend the Constitution, and the requirement of state ratification under Article 368(2) introduces yet another layer of complexity.

This paper analyses the legislative framework necessary for ONOE, proceeding through the constitutional provisions governing parliamentary and assembly terms, the dissolution powers of the President and Governors, the federal tensions raised by Article 356, the required amendments to the Representation of the People Acts, the Basic Structure challenge, the Anti-Defection Law, and the proposed legislative innovations in the 2024 Bill and the Kovind Committee Report. It concludes with an assessment of the current status of the legislation and the prospects for its passage.

## 1. Constitutional Framework and Time Constraints

### 1.1 Articles 83(2) and 172(1): Fixed Term Provisions

The constitutional foundation of ONOE's legislative challenge lies in Articles 83(2) and 172(1). Article 83(2) mandates that the Lok Sabha shall continue for five years from the date appointed for its first sitting after a general election, unless sooner dissolved. Article 172(1) imposes an identical five-year constraint upon every State Legislative Assembly. The phrase "and no longer" embedded within both provisions operates as a constitutional deadline a built-in expiry that the text of the Constitution itself enforces.

The problem for ONOE is straightforward: aligning election dates across all legislative bodies would necessarily require either curtailing or extending the existing term of at least some assemblies. A curtailment would deprive elected representatives of their constitutionally guaranteed tenure; an extension would stretch that tenure beyond its constitutional limit. Either intervention requires a constitutional amendment. The only existing mechanism for extending a legislative term beyond five years Article 352, which permits Parliament to extend a House's term by one year at a time during a proclaimed Emergency underscores how exceptional such extensions are meant to be.

The inescapable conclusion is that achieving ONOE is not a matter of administrative arrangement or executive order. It demands prior constitutional amendment. The fixed timelines of Articles 83(2) and 172(1) are not default rules capable of being displaced by ordinary legislation; they are constitutional commands that bind Parliament and state legislatures alike.

### 1.2 Articles 85(2)(b) and 174(2)(b): The Dissolution Question

Articles 85(2)(b) and 174(2)(b) vest the power to dissolve the Lok Sabha and State Legislative Assemblies in the President and the Governors respectively. Under the constitutional conventions confirmed by the Supreme Court in *Samsher Singh v. State of Punjab*, these are not personal prerogatives but powers exercisable only on ministerial advice. The President and Governors act as constitutional figureheads; real executive authority rests with the Council of Ministers.

This creates a structural vulnerability for ONOE. If a Chief Minister retains the discretion to advise the Governor to dissolve the Assembly at a politically convenient moment, the synchronised electoral calendar can be disrupted at will. Preserving alignment requires that the power of dissolution be constrained either by limiting the circumstances in which

early dissolution may be recommended or by requiring supermajority approval within the legislature before dissolution becomes permissible.

Yet this solution generates its own constitutional tension. Restricting the dissolution power risks entrenching governments that have lost the confidence of the legislature. A government unable to obtain a majority yet equally unable to dissolve the House and seek a fresh mandate – may be compelled to limp through the remainder of its term, exercising nominal power without genuine democratic authority. The stabilisation of the electoral calendar would, in such circumstances, come at the cost of the responsiveness and accountability that dissolution is designed to ensure.

### 1.3 Article 356: Federal Tension and the President's Rule Question

Article 356 the President's Rule provision is among the most contested features of Indian federalism. Where a state government cannot be carried on in accordance with the constitutional provisions, the President may, on the Governor's report, assume the functions of the state government. The article has historically been invoked both legitimately and as an instrument of partisan intervention, a concern addressed at length by the Supreme Court in *S.R. Bommai v. Union of India*.

The interaction between Article 356 and ONOE is particularly complex. Under the current framework, when President's Rule in a state is revoked and a fresh election held, the newly elected assembly typically serves a full five-year term. Under the ONOE model, however, an assembly elected following a midterm collapse would serve only the unexpired portion of the national electoral cycle. The 2024 Bill introduces what has been termed the "Remainder Term" doctrine to address this: rather than awarding a fresh five-year mandate, a newly elected assembly takes the residual term left on the Lok Sabha's clock.

Critics argue that the Remainder Term doctrine may give rise to a form of attenuated democratic mandate. An assembly elected with only fourteen or eighteen months remaining in the national cycle may lack the political capital and time horizon necessary for meaningful governance. Scholars drawing on the reasoning in *Ariyil Kasim v. State of Kerala* have raised the further concern that truncated terms could dilute the weight of individual votes those cast for a short-term assembly carrying less democratic significance than those cast in a general election.

The federal dimension is compounded by the risk of central manipulation. Critics of the Appointed Date mechanism introduced by Article 82A of the 2024 Bill argue that entrusting the President effectively the Union executive – with the power to trigger the synchronisation of all state assembly terms creates an indirect instrument of central control over state legislative calendars. This concern echoes the warning of the Supreme Court in *State of Rajasthan v. Union of India (1977)*, where the Court emphasised that the timing of dissolution must not become a vehicle for partisan advantage.

### 1.4 Representation of the People Acts: Required Amendments

The Constitution provides the structural skeleton; the Representation of the People Acts of 1950 and 1951 supply the operational musculature of Indian electoral law. Any ONOE framework must therefore engage with both statutes.

Sections 14 and 15 of the RPA 1951 govern the issuance of election notifications, currently permitting the Election Commission to announce polls at any point within six months of the expiry of a legislative term. This flexibility is incompatible with the precision demanded by a synchronised electoral calendar. The proposed amendment would introduce a "Synchronised Window" concept, granting the Election Commission authority to accommodate limited scheduling adjustments during the transitional

phase of ONOE implementation, while ultimately anchoring all elections to a single coordinated cycle.

Section 151A addresses casual vacancies seats falling vacant midterm due to death, resignation, disqualification, or other causes. The current rule requires a bye-election within six months unless fewer than twelve months remain in the term. Under ONOE, the conduct of multiple standalone bye-elections across the country would undermine the efficiency rationale of a unified electoral calendar. The proposed amendment would extend the threshold period permitting seats to remain vacant if a general election is imminent reducing both the administrative burden and the logistical demands on the Election Commission.

### 1.5 The Basic Structure Doctrine and Federalism

Every constitutional amendment enacted in pursuit of ONOE must survive the Basic Structure test articulated by the Supreme Court in *Kesavananda Bharati v. State of Kerala* (1973). Parliament's constituent power under Article 368, though broad, cannot be exercised in a manner that destroys or abrogates the essential features of the Constitution. Federalism is among the features most firmly identified as part of the Basic Structure.

The concern is structural rather than political. When the Union effectively determines the timing of state elections whether through the Appointed Date notification under Article 82A or through the Remainder Term doctrine it exercises a form of supervisory authority over state legislative life that may be irreconcilable with the constitutional principle of state autonomy. The Supreme Court's elaboration of federalism in *S.R. Bommai* affirmed that state governments are not subordinate instrumentalities of the Union but coordinate constitutional entities entitled to the protection of their institutional integrity.

The validity of ONOE legislation will also turn on its political neutrality. Judicial opinion holds that a law altering the structure of elections must be indifferent to which political party happens to be in power at the moment of enactment or implementation. A law that operates impartially cutting short or extending terms regardless of the ruling party's identity stands a stronger constitutional case than one whose implementation can be manipulated to advantage incumbents.

### 1.6 Article 368: Amendment Procedure and State Ratification

Article 368 sets out the procedure for constitutional amendment. Amendments affecting the federal structure specifically those altering the representation of states in Parliament, as enumerated in Schedule IV require not merely a special majority in both Houses of Parliament but also ratification by at least half of all state legislatures.

The Kovind Committee's 2024 report proposes an 18point amendment approach, distinguishing between Tier I amendments those affecting only the duration of Parliament and state assemblies under Articles 83 and 172, which the Committee argues do not require state ratification – and Tier II amendments, including the proposed Article 324A (integrating local body elections) and the amendment to Article 325 (establishing a common electoral roll), which do require state ratification under Article 368(2).

The Tier I/Tier II distinction is legally contested. Critics argue that altering the terms of state assemblies necessarily affects the constitutional position of states and thereby triggers the ratification requirement. This interpretive question is likely to be resolved only by the Supreme Court. The 2024 Bill's provision that at least half of all state legislatures must ratify the Tier II amendments adds a further political dimension: states holding independent elections in 2026 – including Tamil Nadu, West Bengal, Kerala, and Assam – may be reluctant

to endorse changes that curtail their forthcoming mandates.

### 1.7 The Model Code of Conduct and Governance Efficiency

One of the central governance arguments for ONOE is the restraint imposed by the Model Code of Conduct. The MCC, though not formally enacted legislation, has been accorded quasilegal status through successive judicial decisions upholding the Election Commission's authority under Article 324. During the MCC's operation, the government is constrained from announcing new policies, schemes, or major administrative decisions that could influence voters. With elections occurring in some state at virtually every point in the year, the practical effect is a nearpermanent partial paralysis of policymaking.

A synchronised electoral cycle, advocates argue, would confine the MCC's operation to a single sixweek window every five years, restoring to elected governments the freedom to govern without the perpetual distraction of campaign considerations. The governance efficiency dividend is potentially significant: a government elected with a fresh mandate and free from imminent electoral pressure is better positioned to implement structural reforms, execute multiyear infrastructure programmes, and take difficult fiscal decisions.

### 1.8 The AntiDefection Law and the Tenth Schedule

The Tenth Schedule, introduced by the 52nd Constitutional Amendment in 1985, disqualifies legislators who defect from their party by voting against the party whip or voluntarily relinquishing party membership. The AntiDefection Law was designed to provide governments with protection against the floorcrossing that had, in the turbulent politics of the 1970s and 1980s, repeatedly brought governments down before their time.

ONOE's stability depends critically on the effectiveness of the Anti-Defection Law. If governments continue to collapse through defections whether engineered by rival parties or induced by the lure of ministerial office the synchronised electoral calendar will be disrupted. The 2024 reform proposals therefore envision a strengthening of the Tenth Schedule: closing the "split" and "merger" exceptions that have historically provided escape routes for defectors, and ensuring that disqualification follows immediately upon defection without the delays that have permitted defecting legislators to continue in office while petitions remain pending before the Speaker.

### 1.9 Proposed Legislative Innovations: Constructive Vote of NoConfidence and FixedTerm Legislation

Two significant legislative innovations are proposed to anchor the ONOE framework against the instability that has historically afflicted Indian parliamentary governments.

The first is the Constructive Vote of No Confidence, modelled on the German Basic Law's Konstruktives Misstrauensvotum. Under this mechanism, the legislature may remove a government only if it simultaneously elects a successor. A motion of no confidence that succeeds in defeating the incumbent without identifying a replacement cannot result in dissolution or fresh elections; the outgoing government remains in office in a caretaker capacity until the legislature agrees on its successor. This design eliminates the governance vacuum that typically follows a successful no confidence vote and provides a structural incentive for opposition parties to cohere around a positive alternative rather than merely combining to defeat the incumbent.

The second innovation is a Fixed Term Parliament model, under which early dissolution is permissible only in two defined circumstances: a successful Constructive Vote of No Confidence, or the affirmative vote of a three fifths supermajority of the legislature. This transfers the locus of dissolution authority from

the executive where it has traditionally resided, exercisable on ministerial advice to a largely ceremonial head of state to the legislature itself, requiring broad political consensus before the electoral calendar can be disrupted.

### **1.10 The Constitution (129th Amendment) Bill, 2024: Key Provisions**

The Constitution (129th Amendment) Bill, 2024 represents the most detailed and operationally specific proposal for ONOE yet placed before Parliament. Its centrepiece is the Appointed Date mechanism introduced through the proposed Article 82A. Upon the first sitting of the Lok Sabha following the 2029 general election, the President issues an official notification designating that date as the Appointed Date. From that moment, all State Legislative Assemblies elected thereafter are anchored to the residual term of the Lok Sabha rather than to their own five-year constitutional clocks.

The Unexpired Term doctrine the conceptual core of the Bill redefines the constitutional measure of a normal assembly term. Rather than treating five years as the invariable standard, the Bill treats the time remaining in the national electoral cycle as the operative measure whenever an assembly is constituted midcycle. This is a fundamental departure from the preexisting constitutional understanding of Article 172

The Bill also proposes amendments to Article 325 to create a unified electoral roll administered by the Election Commission of India, replacing the separate voter lists maintained by State Election Commissions for local body elections. This element of the Bill bringing together national, state, and local electoral registers under a single administrative authority is classified as a Tier II amendment requiring state ratification, given that control over local elections is a subject within the State List under Entry 5, List II of the Seventh Schedule.

### **1.11 The Logistical Deferment Clause**

The 2024 Bill anticipates that circumstances may arise natural disasters, civil unrest, severe

weather events, or acute security situations that make it impractical to hold elections in a particular state on the scheduled date. To address this, it introduces the Logistical Deferment clause, under which the Election Commission may recommend to the President that polling in an affected state or constituency be deferred.

Critically, any government formed following a deferred election retains the same terminal date as all other assemblies in the national cycle. The deferral extends only the polling date, not the tenure of the resulting government. This design preserves the integrity of the synchronised calendar while accommodating the practical reality that no election plan, however carefully coordinated, can be entirely insulated from the contingencies of geography and circumstance.

Legal scholars have raised concerns about the expanded role the Logistical Deferment clause assigns to the Election Commission. The Commission would, under this provision, hold the power to effectively halt a state's electoral process a power that transcends its traditional supervisory and adjudicatory functions. The absence of parliamentary oversight of individual deferral decisions has prompted questions about accountability and the risk of administrative overreach.

### **1.12 The 2026 JPC Extension and Legislative Status**

The Joint Parliamentary Committee constituted to examine the Constitution (129th Amendment) Bill, 2024 and the Union Territories Laws (Amendment) Bill, 2024 is composed of 39 members 27 from the Lok Sabha and 12 from the Rajya Sabha. On 18 March 2026, the Lok Sabha agreed to extend the Committee's mandate beyond its originally scheduled completion date, with the extended deadline running through the Monsoon Session of 2026.

The extension reflects the genuine complexity of the legislative exercise. Within the Committee, federal hesitation has emerged as the

dominant source of delay. States scheduled to hold independent assembly elections in 2026 Tamil Nadu, West Bengal, Kerala, Assam, and Puducherry have an evident interest in the terms under which the synchronisation framework is applied to governments elected in that cycle. A government elected in 2026 for a fiveyear term may find that term curtailed to three years by the application of a Truncation Order in 2029 when the Appointed Date mechanism is triggered. Whether such curtailment is constitutionally permissible in respect of a mandate given by voters under the preONOE constitutional framework remains a live and unresolved question.

The drafting strategy that appears to be emerging from the JPC's deliberations involves a bifurcated approach: separating the Tier I amendments synchronisation of Lok Sabha and Vidhan Sabha terms under Articles 83 and 172 which the Centre argues do not require state ratification, from the Tier II amendments relating to unified electoral rolls and local body elections, which clearly do. If this bifurcation is accepted by the Supreme Court, it may allow the core of the ONOE framework to be enacted without waiting for the agreement of state legislatures a significant political advantage for the Union government. The constitutional validity of this approach, however, remains deeply contested.

### Conclusion:

One Nation, One Election is an idea whose administrative logic is clear and whose constitutional path is treacherous. The case for a synchronised electoral calendar – reduced governance disruption, lower electoral costs, a more stable policy environment is coherent and commands genuine support across the political spectrum. The constitutional obstacles, however, are formidable, and the legislative journey is far from complete.

The fixed term provisions of Articles 83(2) and 172(1) admit of no administrative workaround; they require constitutional amendment. The dissolution powers of the President and

Governors, exercisable on ministerial advice, create a structural vulnerability that only legislative constraints of the kind proposed through the Constructive Vote of No Confidence and Fixed Term Parliament models can address. The federal structure, protected as part of the Basic Structure by Kesavananda Bharati and operationalised through S.R. Bommai, imposes limits on the extent to which the Union may reshape the institutional life of state legislatures. The Remainder Term doctrine, however administratively convenient, raises genuine questions about the democratic quality of truncated mandates and the equal weight of votes cast under a shortened electoral cycle.

The Constitution (129th Amendment) Bill, 2024, and the supporting recommendations of the Kovind HighLevel Committee represent the most serious and elaborated attempt yet to translate the ONOE concept into law. The Appointed Date mechanism, the 18point amendment architecture, the Tier I/Tier II distinction, the unified electoral roll, and the Logistical Deferment clause collectively address a range of practical and constitutional challenges. Yet the extension of the Joint Parliamentary Committee's mandate through the 2026 Monsoon Session signals that the legislative community itself is not yet satisfied that these solutions are adequate – or that the political consensus necessary for state ratification of the Tier II amendments is within reach.

The Supreme Court will ultimately have the last word on whether the ONOE framework, in whatever form it emerges from Parliament, is consistent with the Basic Structure of the Constitution. The critical questions whether the Appointed Date mechanism constitutes an impermissible encroachment on state autonomy, whether the Remainder Term doctrine violates the principle of equal suffrage, and whether the Tier I amendments are truly separable from the Tier II amendments for the purposes of Article 368(2) are questions of constitutional law that no parliamentary majority can resolve. What Parliament can do is ensure that when those questions come before

the Court, the legislative record demonstrates a genuine commitment to federalism, democratic accountability, and the protection of the constitutional rights of voters across India's extraordinary diversity of states and peoples.

The legislative framework for ONOE thus hangs, at the close of this analysis, in a state of principled incompleteness its ambition clear, its constitutional foundations contested, and its ultimate fate dependent on the intersection of judicial interpretation, federal negotiation, and the political will to see a difficult constitutional project through to its conclusion.

