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Does the election mechanism deserve a change? A Critique on the proposed Change

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ABSTRACT

This research as an opinion piece evaluates in depth the effects of the One Nation, One Election (ONOE) proposal on the Indian political system, the framework that intends to combine the elections to the Lok Sabha with all the State Legislative Assemblies. The ONOE as a single polling event, would, in fact, decentralize the Indian polity to an extent unseen after independence in one fell swoop. ONOE's proponents maintain that the couplings of the polls would entail immediate savings of public money as the financial burden of the recurring elections would be alleviated considerably; in addition, administrative disruption resulting from the frequent deployment of personnel and security forces would be minimalized and the "model code of conduct" ice period which is a suspension of the governmental policies is terminated. Besides, they claim that a consolidated electoral cycle may contribute to the stabilization of the government, allow the long-term policy planning, and the alleviation of the rallying excitement by unavoidable contesting ongoing. Nevertheless, the paper challenges these assumptions by pointing out challenges related to the constitution, federalism, logistics, and democracy that are present in ONOE. It would take a lot of changes of the constitution to put this reform in place especially concerning the duration of the legislatures, dissolution before time, and provisions in case of emergency. The paper also delves into the democratic risks that come with mid-term instability under ONOE. When majority is lost or a state government is overturned, the choices—such as setting up caretaker governments or using fixed-term parliaments—may make the democracy less responsive. The study ends with the point that while ONOE could lead to some administrative and economic advantages, its complications at the constitutional level and possible centralising effects call for thorough consideration. If the reform is taken up, it needs to have provisions that maintain the equilibrium at the federal level, ensure electoral independence, and maintain the pluralistic nature of Indian democracy.

Keywords: One nation, one election, federal, majoritarian, democracy, Constitution, India

Introduction -

The High-Level Committee on Simultaneous Elections, set up by the Indian Government in September 2023 and chaired by former President Ram Nath Kovind, carried out a detailed investigation into the practicability, potential changes to the Constitution, and effects on democracy of holding simultaneous elections at all levels of government.

Comprehensively, the Committee's investigation, based on a wide array of inputs, including more than 21,500 public responses, representations from 47 political parties, and consultations with former Chief Justices of India, Election Commissioners, and top legal academicians, mirrored the complexity and the national significance of the proposed reform. A clear majority of public responses (close to 80%) were in favour of the idea, thus indicating that a large part of the population is very dissatisfied with the paralysis of governance, interruptions in policy, and socio-economic upheavals caused by the frequent elections.

The submissions of political parties unveiled a more intricate picture: 32 parties were in favour of the project because it would lead to better use of resources, social peace, and more predictable governance cycles; meanwhile, 15 parties voiced their concern that synchronisation could result in a loss of federal autonomy, weakening of the regional voices, and concentration of political influence in the hands of the Union. The system endangers the federal autonomy of the states as it tries to impose the same political cycles on all the states whereas these cycles are actually the result of the specific mandates of the different regions. Moreover, in voter behaviour, synchronization can lead to national issues dominating local ones thus defeating the purpose of the latter and making voter rights at the state level almost non-existent. From a logistical point of view, the need for a record number of electronic voting machines, security forces, and polling infrastructure raises the issue of whether it is doable, the procurement period, and the general state of the system.

Most of the time, the experts agreed with this by pointing out the administrative and economic rationale of simultaneously holding elections while emphasising the great financial burden and disruptions brought about by scattered polls. Industry bodies, for instance, CII, FICCI, and ASSOCHAM, backed up these conclusions by putting the spotlight on economic inefficiencies and periodic market volatility linked to election cycles.

The Planned Mechanism -

The Committee recommended constitutional reforms with a focus on significantly restructuring core Articles 82 and 324 to create a framework enabling the synchronization of the Lok Sabha, State Assemblies, and, eventually, municipal and panchayat elections. The suggested two-step implementation

stages timetable the logistical challenges of the undertaking: the first stage would be the synchronization of the Lok Sabha and State Assembly elections; the second one would make local body elections fall due together within a narrowly defined period of 100 days.

An essential institutional reform envisioned by the Committee is the production of a Single Electoral Roll and a common EPIC scheme covering all levels of government designed to achieve the elimination of duplicate data, the reduction of the administrative burdens, and the facilitation of voter identification. The public overwhelmingly agreed that the frequency of elections leads to voter weariness, political instability, and heavy strain on administration—issues that are planned to be solved if elections are held simultaneously. To sum up, the Committee's report reflects the reform's potential to revolutionize and constitutional aspects sensitive to simultaneous elections that could be more efficient and governance coherent but must have protections that honor India's federal structure and democratic pluralism to be viable.

Simultaneous elections have been a recurring theme in the agenda of successive governments, however, none of them had taken substantial legislative action until recently despite the increasing institutional support. The law commissions in the years 1999 and 2018 both released their reports pointing out that the staggered electoral cycle in India puts a strain on the administrative machinery, causes disruption in the governance, and leads to substantial fiscal and logistical burdens. By introducing simultaneous polls as the constitutional standard and allowing exceptions only under very rare circumstances, they believed that the federal system would not be violated and policy continuity would be improved. This stand was supported further by the Parliamentary Standing Committee in 2015 which, among other things, stated that coordinated elections would produce systemic benefits without disturbing India's federal balance.

The interlocutory arguments received deeper structure from the white paper NITI Aayog 2017, which suggested the phased synchronisation with a midterm election date for the cases of state assemblies' dissolutions. According to the plan, if a state government were to break down halfway its term, the state would fall under President's Rule until elections could take place on the agreed mid-cycle date, and the new assembly would work only until the next synchronised electoral cycle. These ideas were the stepping stones for a constitutional project of higher ambition. The most important and recent event was on December 17, 2024, when the Government presented the Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024, in the Lok Sabha, which was largely based on the recommendations of the High-Level Committee on Simultaneous Elections. The bill means a major overhaul of the Indian constitutional setup: it brings in Article 82A empowering the President to deliver a one-off notification that harmonizes state assemblies' terms with the Lok Sabha at the commencement of the next Parliament. The bill also

amends Articles 83 and 172 to stipulate that any legislature elected in a midterm election will serve only the remainder of the original term, thereby ensuring continuity of the synchronised cycle. An amendment to Article 327 further clarifies Parliament's competence to legislate specifically for the conduct of simultaneous elections. Together, these changes signal the most far-reaching attempt to institutionalise a unified electoral calendar in independent India.

The article 368 of the Indian Constitution outlines three different ways to change the constitutional framework, depending on the level of legislative approval. A few changes can be made with a simple majority in the Parliament, like regular laws, but these are very limited and referred to specific provisions within the Constitution. However, most of the changes are in the second group of the amendments which need a special majority—two-thirds of members present and voting in each house of Parliament. The hardest process is for changes that impact the allocation of powers between the Union and the states or the alterations of the Seventh Schedule. As such, these changes require not only a special majority in Parliament but also ratification by at least half of the state legislatures. When it comes to the One Nation, One Election plan, the key debate is about the category of the constitutional amendments that would be necessary for implementing simultaneous elections. It is universally agreed that a constitutional change of this nature must at least obtain a special majority in Parliament. Whether or not the states also need to grant their consent is the more disputed question. Some constitutional experts argue that synchronising elections would change the federal structure and so require state ratification. On the contrary, others, including the High-Level Committee, are of the view that since the proposed amendments do not change the Seventh Schedule nor give new powers, they would not be ratification-triggering. The HLC believes that only changes to the timing of local body elections—municipalities and panchayats—would require permission from half the states. The current draft bills get around this problem by deferring the matter of local body elections.

The debate over whether state ratification is a constitutional requirement for the nationwide implementation of simultaneous elections is expected to be resolved by the parliamentary standing committee reviewing the legislation.

Critical Commentary -

Implementing the “one nation, one election” policy is not a whimsical decision as rhetorically established in political battles and debates. It is both a calculated policy initiative and a risky move considering the unitary extension into federal autonomy, restructuring election schedules, dissolving state legislative assemblies and, in a way, interfering with the democratic mechanism of the world's largest democracy. Some specific areas need to be discussed while critically analysing the issue. Firstly, mapping the change

being sought- democracy and the voting process a part of the basic structure of the Constitution and the prospectives about its amendment. It has been well settled through judicial interpretations that voting and contesting elections are constitutional rights and are inseparably linked with democracy, which is an essential identity of Indian polity. Hence the proposed changes would be initiated by the Central Government in exercising their powers and will impact the electoral process profoundly, thereby causing a cause for alarm and precaution. In both *Kuldip Nayar & Ors. v. Union of India* and in *Jindal Stainless Ltd. & Ors. v. State of Haryana & Ors.* that Indian Constitution has an unique feature of cooperative federalism that is inclined and tilted towards the centre, giving Parliament the final say in moving amendments too , just like they can in implementing the uniform election system, as recognised by the report.(2018)

The next issue concerns Voters and voting behaviour, which remains an essential issue to deliberate. Various studies have been carried out to understand voting behaviour, choice of proponents and how a uniform cycle of elections impacts the same. This is primarily attributed to the synchronised campaigning and issues of electoral literacy that remain a problem in India. It is argued that when state and national elections happen simultaneously, people will have a greater tendency to vote for the same political party for both. However, NITI Ayog in its discussion disputed the same. The “correlation” proposed by the studies does not always establish a consistent “causation”, and the theory cannot be credited to questioning the scheme of elections altogether. The complex pluralist structure of India’s democracy binds people with diverse interests together in exercising their choices, and any attempt to initiate a change will have tangible impacts on the entire process that has to be carefully tackled. Even Justice P.B. Sawant opined that it is the experience in India that people choose different parties to vote for in state and Lok Sabha elections depending on local issues, problems and the appeal to the communities. In one uniform election cycle, the political cognition of the choice-makers in the world’s largest democracy.

With all its justification intact, the implementation problem persists with one overarching undertone – a federal breach or excessive interference with federal autonomy. It is debated to be almost a “blitzkrieg” attempt at enforcing unitary strength over the federal autonomy of the states. The constitutional amendments, dissolving state legislatures and arranging all the state polls along with Lok Sabha will compromise with the democratic governance of the respective states. There will be disruption in policy implementation, development projects, political manifestos and public trust in the prevailing governance of the states. Introducing the new system will require public awareness to be instituted so that voters adjust with the system and consciously desirably exercise their choice.

However, regarding the system's sustainability in the democratic process the problem of coalition, hung parliaments and collapse of governance with “no confidence motions” needs to be resolved. Concerning this, proposals regarding “constructive no confidence motions” or simultaneous “confidence motions” have been discussed that can be a viable solution. However, it remains unclear as to how this change will be brought about and whether and to what extent will it be appreciated.

Suggestions -

1. A law commission report is a mere substantive discussion about the legal landscape and the feasibility of implementation of the scheme as tested on the constitutional and theoretical backdrop. What we need is a thorough stakeholder analysis, which will help policymakers gauge the situation.
2. Opposition has flagged several issues, most of which allege the party at the centre to be using this scheme to further their majoritarian designs of propagating a system akin to a presidential set up where federal autonomy will be severely curtailed. These issues cannot be deliberated through fancy debates, rather, they need to be addressed as urgent public policy questions and satisfactory answers need to be provided for the same.
3. Infrastructural change that needs to come alongside the implementation of the One Nation One Election is mammoth. Synchronizing Lok Sabha with all the legislative assemblies will put tremendous strain on the resources - be it enforcement mechanisms or technical support. The instrumentality of elections cannot be compromised on any grounds of policy experimentalism.
4. Addressing conventional voting attitudes of people who are accustomed to off-cycle voting and accordingly choose their preferences for the centre and states respectively need to now vote for both together. This will result in changes in pre-electoral formalities like name rolls on voting eligibility lists and constituency demarcations. People need to be adequately explained about polling booths segregation of ballots for centres and states, dates of election and guided through the process.

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