



ONE NATION ONE ELECTION: CONSTITUTIONAL PROVISIONS AND PUBLIC PERSPECTIVE

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Abstract

Democracy is a contract made by the people with the people. In this contract, people are on both sides. But there are some people on one side and many people on the other. Although many of these people seem to have handed over power to some people, the real power is not in the hands of a few people but in the hands of many people. Many of these people have to decide what method we want. Even though the idea of holding one nation, one election is currently being considered in the country, it is also necessary to instill that idea in the minds of the people. We will have to decide whether this decision is right or wrong by considering the people's thoughts. Even though the government team is ready to hold one nation, one election, it is equally important to prepare the people. People should not feel that any decision is being imposed on them. For this, have any questions arisen in the minds of the people in this regard? We will also have to think about this. Or we will have to know what exactly the people expect. This research paper is an attempt to find out what exactly is in the minds of the people.

Keywords: *Constitutional Provisions, Public Perspective, Simultaneous Elections, Federalism, Model Code of Conduct (MCC)*

The Constituent Assembly of India debated the electoral process of India for many days. But there was not much debate on whether the elections to the Lok Sabha and the state legislatures should be held simultaneously or in separate stages throughout the country. The only thing that was in front was that the elections of independent India should be held by Indians, and Indians should choose their government. But when the first general elections were held in 1952, one nation, one election was held in the same manner. The next elections of 1957, 1962, and 1967 were also held in the same manner. Therefore, the concept of one

nation, one election is not new to India. If these elections had been held every five years even then, we would have continued with this one nation, one election process to date. But this sequence was broken in 1967-68. The reason for this was that during this period, the assemblies of some states were prematurely dissolved for some reason. Due to this, this sequence was broken. Later, the 1971 elections were also held pre-term, and the remaining state elections were a breakdown of the sequence. Since then, we have never had simultaneous elections to the Lok Sabha and state assemblies.

But after the 2024 Lok Sabha elections, the concept of one nation, one election is being discussed again. Five main reasons are being given as to why one nation, one election is being held again after so long. One is that the government's decision-making process is being hampered due to repeated implementation of the code of conduct. Second, from the time the code of conduct is implemented until the results of the elections are announced, the government cannot take any policy decisions or implement any plans, due to which the government's work is in a way paralyzed during this period. Third, the cost of frequent elections is increasing. Due to this, this cost is putting a huge burden on the government's treasury. Fourth, black money transactions during elections will be curbed. Fifth, there is no need to deploy government employees and security forces for election work again and again.

Even if we are thinking of holding elections simultaneously in India for these five reasons, it is equally important to see what the Constitution says about it, because the entire system of our country is based on the Constitution. Do some provisions of the Constitution go against this election process? It seems necessary to pay attention to this. Article 2 of the Constitution of India states that Parliament may admit new states or form new states on such terms as it thinks fit. Along with this, Article 3 provides that Parliament may form a state by separating a territory or by merging two or more states or parts of states or by merging any territory with any part of any state. If this happens, will not the issue of one nation, one election become a problem for holding elections in these states?

According to Article 85 B of the Constitution of India, the President has been given the power to dissolve the Lok Sabha, and according to Article 17 (2) B, the Governor of the state has been given the power to dissolve the Legislative Assembly of the state. If either of them or one of them uses this power to dissolve the Lok Sabha or the Legislative Assembly, should elections be held again for the remaining term? Or should we wait until the term of other states ends? Another important issue is that if the President exercises the power under

Articles 352 and 356 of the Constitution of India and the government of a state falls in the meantime, what happens next? This question also remains.

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Apart from the above provisions of the Indian Constitution, there are many such provisions in the People Representation Act, 1951, which can be outdated. For example, holding by-elections, cancellation of membership of a member, filling up of vacant seats through elections within six months, and cancellation of membership of a member. There are many such provisions that can be outdated. It is said that if something new is to be accepted, the old has to be abandoned or forgotten. But for some reason, the government of a state has ended before the five-year term, or there has been a major defection in a state, and the membership of many members has been cancelled due to defection. In such a situation, early elections should be held, or the government should be run by the existing members.

Considering the cost of elections, it happened that more than half the governments of the states fell before the five-year term, and it was time to hold fresh elections there. So what exactly should be done in such a situation? How can one say that the same situation will not arise again? The elections of 1952, 1957, 1962, and 1967 were held together. The next elections were also expected to be held together. For example, if we consider today that if the Lok Sabha and all state elections of 2029 or 2034 are taken together, then this sequence is expected to continue in the same way. For example, it happened in the first four elections of 1952, 1957, 1962, and 1967. But over time, this sequence deteriorated, and it was time to hold the elections at different times. This will not happen after the elections of 2029 or 2034. On what basis can this be said?

The demand for holding the recently held elections in Haryana, Kashmir, and Maharashtra together was being demanded by the public or some political parties. However, the Election Commission refused to hold the elections in Maharashtra with Haryana. While explaining this, they said that it was due to changes in the environment. Suppose in the

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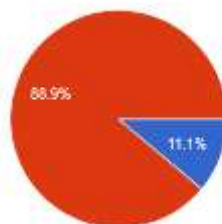
future, the elections of a state do not go back and forth due to this reason? We cannot answer this right now.

Although the process of one nation, one election is being discussed between the Kovind Committee, the Central Government, and the Election Commission, the opinion of the people is more valuable in the democracy. In line with this research essay, an attempt has been made to find out what exactly they think about this entire process by asking some questions of the public.

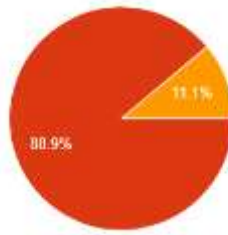
While seeking public opinion, the first question is whether the central government has decided to hold one nation, one election. How do you feel about this decision? 77.8 percent of the people said that this decision is not right, while 11.1 percent said that this decision is right, and 11.1 percent said that they could not say for sure.



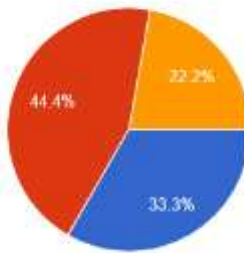
The second question was asked: Do you think it is possible to have one nation, one election in a country like India? While answering this question, since India is a large country in terms of population and area, 89.9 percent of people think that it is not possible to hold elections in this way. While 11.1 percent of people say yes, it is possible for India to hold one country, one election.



The third question raised a question on the efficiency of the Election Commission. Through this question, it was asked, Do you think the Election Commission is competent to conduct one nation, one election? Accordingly, 88.9 percent of the respondents say that the current Election Commission is not competent, while 11.1 percent of people think that the current Election Commission is competent.



Another important question was asked through this questionnaire. That is, the 2024 Lok Sabha elections were held in multiple phases; do you think that these elections should be held in a single phase in the future? While answering this question, 33.3 percent of the respondents feel that yes, Lok Sabha elections should be held in a single phase. 44.4 percent of people feel that no, it is not possible to hold elections in a single phase, while 22.2 percent of people say that they cannot say for sure.



Voters were also asked which system would be lacking if the Lok Sabha and state assembly elections were held on the same day in India. Voters expressed the opinion that they may have to face many technical difficulties, including the police or defense system, skilled manpower required for the elections, and the election system. When asked what the major difficulties would be if the elections were held across the country on the same day, voters said that India is a large country, and one nation, one election is difficult in view of such a large area. Many expressed the opinion that India has a large population, and it is not that easy to accommodate such a large population in this process. Some others said that they may have to face natural difficulties. India has a natural diversity along with its terrain. Therefore, it cannot be said that many regions will have a positive environment from a natural perspective at the same time. While some have said that the possibility of the Indian federal system collapsing due to one nation, one election cannot be ruled out, others feel that regional issues will not find any place in such elections. Therefore, the possibility of regional issues being sidelined cannot be ruled out. They also said.

Conclusion:

Considering all the above, although such elections are not new for India, there are many questions in the minds of the regional people. It is also necessary for the Election Commission to answer those questions in advance. In the same way that there were no regional issues in the first general election, there will be no regional questions in the One Nation, One Election process. There are many regional issues in India that are important from the perspective of the central issues. The possibility of ignoring these issues in the elections cannot be ruled out. But even so, due to the frequently implemented code of conduct, the expenses incurred, and the government manpower that is constantly busy with election work, many administrative tasks are being hampered. Therefore, one nation, one election will remain appropriate, but resolving the above questions in the minds of the people is also important.

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