

**129<sup>th</sup> Constitutional Amendment Bill: A Step Towards Unified Elections in India****Dr Anamika Verma<sup>1</sup>**<sup>1</sup>Assistant Professor & H.O.D, Department of Political Science, Mahila Mahavidyalaya, Kanpur Nagar UP

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**Abstract**

The concept of "One Nation, One Election" (ONOE) in India proposes a radical change in the electoral system by synchronizing elections at both the central and state levels. This research paper examines the historical background implications, and feasibility of implementing ONOE in India. It evaluates the 129th constitutional amendment Bill 2024, challenges and opportunities. this paper aims to provide an extensive understanding of how ONOE could transform the Indian electoral system.

**Keywords:** Simultaneous elections, committee, commissions, reports, constitution

**Introduction**

Simultaneous election concept is not new in the world's largest democracy. In 1951–52, the first general elections were held for the Lok Sabha and all State Legislative Assemblies. This exercise was being practised in India from 1952 to 1967, where simultaneous election was conducted for the Lok Sabha and most state legislative assembly in 1952, 1957, 1962 and 1967. This exercise was first broken in 1959 after the Government of India, invoked article 356 of the IC to dismiss that then Kerala government. However, due to the premature dissolution of some legislative assemblies like the Haryana Legislative Assembly in 1968, the Bihar and West Bengal Legislative Assemblies in 1969, and the Lok Sabha in 1970, was prematurely dissolved and fresh election were held in 1971.

These incidents disrupted the synchronised election cycle and now we are following staggered election model today. The idea of simultaneous holding central and provincial elections has been proposed on a number of venues and by different stakeholders in recent years, most notably the Prime Minister, the President, Niti Aayog, the Law Commission, and the Election Commission. Every time an election is scheduled, the Prime Minister in particular has brought it up with emotion, citing the enormous expense of elections and serious governmental bottlenecks.

Despite the fact that other election reforms have been discussed and put into effect over the years, it seems odd that the immediate proposal was never given the serious consideration it merits. The election commission proposed the idea to reconsider the one nation one election in 1983. The Law Commission of India, led by Justice B.P. Jeevan Reddy, gave the matter its first significant consideration in 1999 when it recommended that 'This cycle of elections every year, and in and out of season, should be put an end to. We must go back to the situation where the elections to Lok Sabha and all the Legislative Assemblies are held at once. It is true that we cannot conceive or provide for all the situations and eventualities that may arise whether on account of the use of article 356 or for other reasons, yet the holding of a separate election to a Legislative Assembly should be an exception and not the rule. The rule ought to be "one election once in five years for Lok Sabha and all the Legislative Assemblies

Despite being mentioned in the law commission report, its reconsideration picked up the pace." The Prime Minister Vajpayee and Lal Krishna Advani both brought up this subject in important ways. Since the BJP promised to develop a system for holding Lok Sabha and Assembly elections concurrently in its 2009 and 2014 election manifestos, Advani brought up the matter once more in 2010 and 2012.

After Mr. Modi floated the idea once again in 2016, the Niti Aayog prepared a working paper on the subject in January 2017. In the working paper that the Law Commission brought out in April 2018 it said that at least “five Constitutional recommendations” would be required to get this off the ground. The final decision on simultaneous election is yet to be taken. The idea behind one nation, one election is to held simultaneous pose nationwide for the Lok Sabha, state, legislative assembly and possibly local bodies. Recently the union government established a high-level committee led by former president. Ram Nath Kovind have renewed interest in this concept. One nation one election is a proposal to synchronise the timing of all elections in India, including there for the Lok Sabha, state legislative assemblies and local bodies. The aim is to streamline the electoral process, reduce campaign, expenditure, minimise disruption to governance and enhance political stability by holding all elections simultaneously at regular intervals. Report of High-Level Committee on “One Nation, One Election: Simultaneous Elections at the Heart of Aspirational India” is submitted. The Hon’ble President of India, Smt. Droupadi Murmu, received a report from the High Level Committee on Simultaneous Elections, which was chaired by the previous president of India, Shri Ram Nath Kovind. The report, which is 18,626 pages long and was created after 191 days of intensive research effort and stakeholder and expert interaction after the report's formation on September 2, 2023.

The committee also included renowned counsel Shri Harish Salve, former Chief Vigilance Commissioner Shri Sanjay Kothari, and former Lok Sabha Secretary General Dr. Subhash C. Kashyap. Ghulam Nabi Azad, the former Leader of the Opposition in the Rajya Sabha; and Shri Amit Shah, the Union Minister of Cooperation and Home Affairs. HLC Secretary Dr. Niten Chandra was joined by Special Invitee Shri Arjun Ram Meghwal, Minister of State (Independent Charge), Ministry of Law and Justice. The Committee held extensive talks to understand the viewpoints of numerous stakeholders. Out of the 47 political parties that submitted their thoughts and opinions, 32 of them supported holding elections at the same time. The committee has proposed 15 amendments to the Constitution of India, divided into two Constitutional Amendment Bills.

The HLC has extensive discussions on this topic with several political organisations. A public notice published in newspapers in every State and Union territory prompted 21,558 reactions from Indian citizens. Concurrent elections were supported by 80% of respondents. The Chairman of the Law Commission of India, four former Chief Justices of India, twelve former Chief Justices of important High Courts, four former Chief Election Commissioners of India, and eight State Election Commissioners were among the legal experts invited by the Committee to participate in face-to-face discussions.

Prominent economists as well as key business bodies like the CII, FICCI, and ASSOCHAM were questioned to get their thoughts on the possible economic impacts of simultaneous elections. They stated that simultaneous elections are economically vital since asynchronous elections increase inflation and slow down the economy. These organisations provided the Committee with information on the negative consequences of irregular elections on a number of topics, including social integration, the standard of public spending, economic growth, and educational results. The Committee recommends a two-phase procedure that will lead to the simultaneous elections after considering all ideas and viewpoints. As a first phase, elections will be held simultaneously for the House of the People and State Legislative Assemblies.

Elections for municipalities and panchayats will be scheduled to align with those of the House of People and State Legislative Assemblies in the second phase. Elections for municipalities and panchayats will be held no later than 100 days following those for the House of People and State Legislative Assemblies. The Committee's suggestions are in accordance with the spirit of the Constitution and only slightly modify it, as part of its mandate to look into the method for simultaneous elections while taking into account the existing framework.

This framework has been embraced by certain countries as part of their Constitution, while others have welcomed this framework after making minor changes to their current voting procedures. Elections are held in multiple nations at the same time. Countries like Sweden, Indonesia, South Africa and Germany are using the framework to conduct their elections, as well as other countries

India is constantly in election mode because, on average, there are five to seven state assembly elections held there each year. All of the important parties are impacted, including the central government, state governments, government workers, election-duty teachers, voters, political parties, and candidates. The 79th report of the parliamentary standing committee states that the imposition of a model code of conduct results in the suspension of regular government activities and programs of the central and state governments in the state where the election is taking place.

The central and state governments also suffer huge expenses as a result of frequent elections. As a result, it delays development efforts and wastes public funds.

When there are elections, an adequate number of security personnel must also be deployed. The Election Commission of India sought the help of 10 million public personnel to conduct the 16th Lok Sabha elections. When the model code of conduct is implemented for an extended length of time, it interferes with people's daily lives. Regional, communal, and caste issues are continually at the top of minds because of frequent elections. Many contend that ongoing politics are what keep these problems alive. Additionally, frequent elections cause governance to change its focus from long-term to short-term policy objectives. One Nation, One Election 'The Constitution 129th Amendment Bill 2024': The bill 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 327:

The Bill proposes amending Article 327 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.

Constitutional Provisions Related to Elections in India: -

- Part XV (Article 324-329): It deals with elections and establishes a commission for these matters.
- Article 324: Empowers the ECI to supervise, direct, and control the entire process of elections to the Parliament and State Legislatures.
- Article 325: Provides for the establishment of a single electoral roll for all elections to the Lok Sabha and State Assemblies.
- Article 326: Specifies that elections to the Lok Sabha and State Assemblies shall be based on adult suffrage.
- Articles 82 and 170: Mandate the delimitation of constituencies after each census to ensure fair representation.
- Article 172: States that every Legislative Assembly shall have a term of five years unless dissolved earlier.

The High-Level Committee, chaired by former President Ram Nath Kovind, was formed by the central government in September 2023 to examine the feasibility of conducting simultaneous elections for the Lok Sabha, state assemblies, and local bodies. The committee emphasized the benefits of simultaneous elections, such as stable governance, reduced disruptions, lower costs, and increased voter participation. To streamline the electoral process, the committee suggested adopting a single electoral roll prepared by the Election Commission of India (ECI) in consultation with State Election Commissions (SECs). The committee also stressed the need for detailed planning and estimation for logistical arrangements to ensure smooth execution during simultaneous elections.

There are many difficulties associated with simultaneous elections, such as administrative and legal issues. Strong technical infrastructure, such as the installation and administration of Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trails (VVPATs), is necessary for the execution of these elections. Approximately 1.05 million voting places worldwide were equipped with 1.7 million Control Units and 1.8 million VVPAT systems for the general elections in 2024. Legal issues could come up since the implementation of simultaneous elections and modifications could need to be examined by experts to make sure they adhere to the constitution. Because some political parties are worried about excluding local voices from national campaigns, regional discrepancies may also occur. Security and election roll management are administrative challenges. A thorough voter education effort is required to educate the public about the new voting procedure.

Techniques like creating legal clarity, improving electoral infrastructure, and launching public awareness campaigns can be used to ease the shift to simultaneous elections. The use of technology for voter registration and electronic voting machines is one of the modifications suggested by the Election Commission's 2016 Recommendations to improve the electoral process's efficiency. To guarantee seamless implementation, public awareness initiatives and capacity-building training sessions for election officials are also needed.

The Nationalist Congress Party (NCP), the Indian National Congress (INC), the Communist Party of India (CPI), the All India Majlis-e-Ittehadul Muslimeen (AIMIM), and other important opposition political groups have expressed their concerns about this reform to the parliamentary standing committee. They have questioned whether holding simultaneous elections is realistically feasible, as this would require legislative and constitutional changes regarding the tenure of the parliament and various assemblies. Such a notion, according to other opponents, is politically driven because simultaneous elections could affect voter behaviour. State elections will ultimately result in voters casting ballots on national concerns.

Parties at the local and regional levels, which frequently speak for local economic and social groups that are typically disregarded by the national government, may be marginalised. This will have an effect on the breadth and depth of Indian democracy.

As per Dr. S. Y. Quraishi, frequent elections where politicians have to face the voters more than once every year increase accountability as well as create many jobs related to elections. This is important for the grassroots economy. But if simultaneous elections are held, India will have to sacrifice these things.

To avoid holding elections all the time in India, the 21st Law Commission recommends holding polls at the same time. However, a variety of stakeholders must be involved for this reform to succeed. In order to determine implementation details and draft constitutional and statutory revisions, Niti Aayog recommends assembling a team of specialists that includes constitutional experts, electoral experts, think tanks, government officials, and members of political parties. If this fails, the parliamentary standing committee suggests holding simultaneous elections in two phases. Wide-ranging constitutional amendments are needed to put these reforms into effect. The best course of action right now is to follow Prime Minister Narendra Modi's recommendation for extensive talks on this subject.

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