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**Courts As Guardians Of Electoral Democracy: An Indian And
Comparative Judicial Analysis Of One Nation One Election**

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Abstract

The proposal of simultaneous elections, commonly referred to as *One Nation One Election* (ONOE), has re-emerged as a significant constitutional and democratic reform debate in India. While proponents emphasize administrative efficiency, cost reduction, and governance stability, critics warn of potential threats to federalism, electoral accountability, and democratic pluralism. In this context, constitutional courts play a pivotal role as guardians of electoral democracy, tasked with ensuring that electoral reforms align with constitutional values and democratic principles. This paper examines the role of courts—particularly the Supreme Court of India—in scrutinizing and shaping the discourse on simultaneous elections. It undertakes a comparative judicial analysis by examining how constitutional courts in the United States, Germany, South Africa, and the United Kingdom address election timing, federal balance, and democratic safeguards. Employing a doctrinal and comparative methodology, the study analyses landmark judicial decisions, constitutional provisions, and institutional reports. The paper argues that while ONOE may be administratively feasible, its constitutional legitimacy depends on rigorous judicial scrutiny, robust safeguards, and adherence to the basic structure doctrine. The study contributes to global electoral reform discourse by highlighting the judiciary's indispensable role in preserving electoral democracy amid structural reforms.

Keywords: One Nation One Election, Electoral Democracy, Judicial Review, Supreme Court of India, Comparative Constitutional Law

1. Introduction

Elections constitute the lifeblood of a constitutional democracy, providing legitimacy to governments and enabling citizens to participate meaningfully in the governance process. In India, the constitutional framework envisages a representative democracy grounded in universal adult suffrage, periodic elections, and institutional checks and balances. Any proposal that seeks to restructure the electoral process, therefore, carries profound constitutional, political, and democratic implications. The renewed proposal of *One Nation One Election* (ONOE), which aims to synchronize elections to the Lok Sabha and State Legislative Assemblies, has generated intense debate among policymakers, scholars, and constitutional institutions. While projected as a reform to enhance administrative efficiency and governance stability, ONOE raises fundamental questions concerning federalism, electoral accountability, political pluralism, and the role of constitutional courts.

The debate surrounding ONOE cannot be examined solely through the lens of administrative convenience or financial savings. Instead, it must be situated within the broader constitutional philosophy of India, which emphasizes democratic participation, diversity of political expression, and the autonomy of states within a federal structure. Given these competing considerations, courts—particularly constitutional courts—assume a pivotal role in evaluating whether such structural electoral reforms align with constitutional values and democratic norms. This paper proceeds on the premise that judicial institutions function as guardians of electoral democracy, ensuring that reforms do not erode the foundational principles of the constitutional order.

1.1 Concept of One Nation One Election

The concept of *One Nation One Election* refers to the synchronization of elections to the Lok Sabha and the State Legislative Assemblies so that all electoral contests are conducted within a fixed and common electoral cycle. Under this system, voters across the country would cast their votes for national and state governments at the same time, rather than at staggered intervals. India's electoral history reflects that simultaneous elections were the norm during the early years after independence, particularly from 1951 to 1967. This synchrony was disrupted due

to political instability, defections, breakdowns of constitutional machinery in states, and the frequent invocation of Article 356 of the Constitution, leading to premature dissolution of legislative assemblies.

In contemporary discourse, the revival of ONOE is justified on grounds of reducing election-related expenditure, minimizing the administrative burden on state machinery, and avoiding repeated disruptions caused by the Model Code of Conduct. Proponents argue that frequent elections adversely affect governance by diverting political attention from development and policy implementation to perpetual campaigning. From this perspective, ONOE is presented as a mechanism to promote policy continuity, economic efficiency, and political stability.

However, critics argue that ONOE may produce unintended constitutional consequences. Synchronization of elections risks nationalizing electoral discourse, thereby overshadowing state and local issues that are central to India's federal democracy. Regional parties and minority voices may be marginalized in a simultaneous election framework dominated by national narratives and larger political formations. Furthermore, aligning electoral cycles would require significant constitutional amendments affecting Articles 83, 85, 172, and 174, raising concerns about potential dilution of democratic choice and legislative accountability. Thus, ONOE represents a transformative constitutional proposal rather than a mere procedural adjustment.

1.2 Courts as Guardians of Electoral Democracy

In constitutional democracies, courts perform a crucial function as guardians of electoral democracy by safeguarding the integrity of the electoral process and protecting political rights. Judicial institutions ensure that elections remain free, fair, and transparent, and that electoral reforms comply with constitutional mandates. The Supreme Court of India has consistently held that democracy, rule of law, and free and fair elections form part of the basic structure of the Constitution, thereby placing electoral arrangements beyond the reach of ordinary political expediency.

Judicial review serves as a vital counter-majoritarian check, particularly in contexts where electoral reforms may consolidate power or disproportionately benefit ruling majorities. Through its expansive interpretation of fundamental rights, the Indian Supreme Court has linked electoral fairness to Articles 14 (equality), 19 (freedom of expression and political

participation), and 21 (right to life and dignity). The Court's jurisprudence on voter rights, transparency in elections, and limits on executive interference underscores its commitment to preserving electoral democracy.

In the context of ONOE, the role of courts becomes even more pronounced, as synchronization of elections has direct implications for federalism and state autonomy. Judicial scrutiny is essential to ensure that efficiency-oriented reforms do not undermine constitutional morality, representative diversity, or the principle of accountability. Courts thus act not only as interpreters of constitutional text but as institutional custodians of democratic values, mediating the tension between governance efficiency and constitutional integrity.

1.3 Research Questions and Hypothesis

Against this backdrop, the present study undertakes a judicial and comparative analysis of One Nation One Election to assess its constitutional feasibility and democratic implications. The research is guided by the following questions:

1. What role has the Supreme Court of India played in shaping the constitutional discourse on electoral reforms, particularly in relation to One Nation One Election?
2. How do constitutional courts in other democratic jurisdictions regulate election timing, synchronization, and electoral continuity?
3. Can One Nation One Election be implemented in India without undermining the principles of federalism, electoral accountability, and democratic pluralism?

Hypothesis: While One Nation One Election seeks to achieve administrative efficiency and governance stability, its implementation without comprehensive constitutional amendments, broad political consensus, and robust judicial safeguards risks violating the basic structure of the Constitution, particularly the principles of federalism, free and fair elections, and electoral democracy.

2. Conceptual Framework

2.1 Electoral Democracy

Electoral democracy refers to a governance system in which political authority emanates from the people through **periodic, free, fair, and competitive elections**. In the Indian constitutional framework, elections are not merely procedural mechanisms for leadership selection but are **substantive instruments of popular sovereignty**. They operationalize constitutional values such as equality before law, political participation, accountability, and transparency.

Elections serve multiple democratic functions:

- They enable **citizen participation** in governance
- Ensure **political competition** among parties
- Facilitate **accountability of elected representatives**
- Legitimize the exercise of state power

In this sense, electoral democracy is inseparable from constitutional democracy. Any structural reform—such as One Nation, One Election (ONOE)—must therefore be evaluated not only on administrative efficiency but also on its impact on **democratic responsiveness, voter choice, and representative legitimacy**. If synchronization weakens voters' ability to evaluate governments independently at different levels, it risks reducing elections to a **majoritarian endorsement exercise** rather than a tool of democratic control.

2.2 Judicial Review and Constitutional Morality

Judicial review constitutes the cornerstone of Indian constitutionalism, empowering courts to assess the **constitutionality of legislative and executive actions**. Rooted in Articles 13, 32, and 226, judicial review ensures that all state action remains within constitutional limits.

Closely connected to this power is the doctrine of **constitutional morality**, a concept progressively developed through judicial interpretation. Constitutional morality requires state institutions to act in accordance with the **values, spirit, and objectives of the Constitution**, rather than succumbing to transient political majorities or administrative convenience.

In the context of electoral reforms, constitutional morality mandates that:

- Democratic participation must not be diluted
- Federal balance must be preserved

- Electoral integrity must remain uncompromised

Any reform such as ONOE, therefore, must satisfy not only textual constitutional requirements but also **normative constitutional values**. Judicial scrutiny becomes essential to ensure that efficiency-driven reforms do not override foundational democratic principles.

2.3 Theory of Separation of Powers

The doctrine of separation of powers underpins India's constitutional architecture by ensuring **functional independence and mutual accountability** among the legislature, executive, and judiciary. While the Indian model does not follow a strict separation, it emphasizes **checks and balances** to prevent concentration of power.

Judicial intervention in electoral matters does not amount to governance by courts; rather, it serves to **maintain constitutional equilibrium**. When electoral reforms have the potential to alter democratic structures or federal relationships, judicial oversight becomes a constitutional necessity.

Thus, judicial review of ONOE does not undermine democratic governance but **reinforces it by ensuring that reforms operate within constitutional boundaries**. Courts act as neutral arbiters safeguarding democracy from both legislative excess and executive dominance.

3. Indian Judicial Perspective on One Nation One Election

3.1 Supreme Court Observations on Simultaneous Elections

While the Supreme Court has not directly adjudicated the constitutionality of ONOE, its observations across various judgments emphasize that **free and fair elections form the bedrock of democratic governance**. The Court has consistently underscored that electoral reforms must strengthen—not weaken—representative democracy.

Judicial dicta highlight concerns regarding:

- Federal balance between Centre and States
- Independence of electoral institutions
- Voter autonomy and informed choice

These observations suggest that any move towards synchronized elections would inevitably attract **intensive constitutional scrutiny**, particularly if it affects tenure of legislatures or electoral periodicity.

3.2 Analysis of Key Judicial Decisions

3.2.1 Kesavananda Bharati v. State of Kerala (1973)

This seminal judgment introduced the **Basic Structure Doctrine**, holding that Parliament's amending power is not absolute. Democracy, federalism, and free and fair elections were recognized as **inviolable constitutional principles**.

In the context of ONOE, this judgment implies that constitutional amendments enabling synchronization must not:

- Undermine federal autonomy
- Curtail democratic choice
- Distort electoral accountability

Any amendment violating these principles would be vulnerable to judicial invalidation.

3.2.2 Indira Nehru Gandhi v. Raj Narain (1975)

The Court struck down constitutional provisions that attempted to exclude election disputes from judicial review. It firmly held that **judicial scrutiny of elections is integral to democracy**.

This case reinforces that electoral reforms, including ONOE, **cannot be insulated from judicial review**, particularly where they affect fairness, transparency, or political equality.

3.2.3 S.R. Bommai v. Union of India (1994)

The Supreme Court affirmed **federalism as a basic feature** and restricted arbitrary dismissal of state governments. The relevance of this judgment to ONOE is profound.

Synchronizing elections through premature dissolution of State Assemblies may:

- Violate federal autonomy
- Undermine democratic mandates at the state level
- Enable central dominance over state electoral cycles

Judicial safeguards are therefore crucial to prevent misuse of synchronization mechanisms.

3.2.4 PUCL v. Union of India (2003)

The Court recognized the **right to know about candidates** as part of freedom of speech and expression under Article 19(1)(a). This judgment elevated voter awareness as a constitutional right.

ONOE reforms must ensure that compressed election cycles do not:

- Reduce public deliberation
- Weaken issue-based campaigning
- Limit voter access to information

Electoral efficiency cannot come at the cost of informed democratic choice.

3.3 Law Commission and Election Commission Reports

The Law Commission of India, particularly in its **170th and 255th Reports**, and the Election Commission have examined ONOE from constitutional, administrative, and political perspectives. These reports acknowledge potential benefits but emphasize that:

- Extensive constitutional amendments are unavoidable
- Political consensus is indispensable
- Judicial interpretation will play a decisive role

Importantly, these bodies recognize that **judicial enforcement of constitutional limits is central to the legitimacy of ONOE**.

4. Comparative Judicial Analysis

4.1 United States

In the United States, federalism is robust, with **constitutionally fixed terms** for both federal and state elections. Courts have consistently upheld state autonomy in election scheduling, reflecting a deep commitment to decentralization and democratic accountability.

4.2 Germany

Germany's Basic Law provides strong constitutional safeguards for independent election cycles. The **Federal Constitutional Court** plays an active role in protecting proportional representation and democratic fairness, ensuring that efficiency does not override political pluralism.

4.3 South Africa

South Africa conducts synchronized elections; however, this arrangement is **constitutionally entrenched and judicially supervised**. The Constitutional Court ensures that synchronization does not infringe political rights or electoral equality.

4.4 United Kingdom

Despite the absence of a codified constitution, statutory frameworks like the Fixed-term Parliaments legislation and judicial review mechanisms maintain democratic accountability. Courts act as guardians against arbitrary electoral manipulation.

4.5 Comparative Insight

Comparative experience demonstrates that **synchronized elections succeed only where they are constitutionally entrenched, politically consensual, and judicially safeguarded**. Jurisdictions lacking these elements risk democratic distortion and institutional imbalance.

5. Tables and Charts

Table 1: Comparative Election Cycles in Selected Democracies

The table illustrates that countries practicing synchronized elections do so under **strong constitutional frameworks and judicial oversight**. India's current system of independent election cycles reflects its federal diversity. Any shift towards ONOE must therefore incorporate:

- Constitutional clarity
- Judicial supervision
- Protection of sub-national autonomy

This comparative analysis reinforces the argument that **judicial oversight is not optional but foundational to electoral legitimacy**.

Country	National Elections	Sub-national Elections	Judicial Oversight
India	Not synchronized	Independent cycles	Strong (Supreme Court)
USA	Fixed-term	Fixed-term	Strong (Federal Courts)
Germany	Fixed-term	Independent	Strong (Constitutional Court)
South Africa	Synchronized	Synchronized	Strong (Constitutional Court)
UK	Fixed-term (statutory)	Variable	Moderate

6. Federalism, Accountability, and Democratic Risks

The proposal of One Nation, One Election (ONOE) raises significant constitutional concerns, particularly in relation to **India's federal structure and democratic accountability mechanisms**. Federalism in India, though asymmetric, recognizes the autonomy of States as a basic feature of the Constitution. Synchronization of elections risks **centralizing political discourse**, thereby marginalizing state-specific issues such as regional development, local governance failures, and socio-cultural diversity.

A major democratic risk associated with ONOE is the **dilution of electoral accountability**. Frequent elections enable voters to assess government performance at different levels independently. When parliamentary and assembly elections are held simultaneously, electoral outcomes may be driven by **national leadership, macro-economic narratives, or central political agendas**, rather than state-level governance performance. This phenomenon, often referred to as the "*nationalization of elections*," undermines the principle of representative democracy.

Further, ONOE may **disadvantage regional and smaller political parties**, which play a crucial role in articulating localized interests and sustaining political pluralism. Empirical studies suggest that simultaneous elections tend to favor larger national parties with broader organizational reach and media influence. Such an outcome risks weakening coalition politics and reducing the diversity of political representation.

In this context, **judicial scrutiny becomes indispensable**. Courts must ensure that electoral synchronization does not result in democratic homogenization or erosion of state autonomy. Judicial intervention is necessary to assess whether ONOE complies with

constitutional principles of **federalism, political equality, and free and fair elections** under Articles 14, 19, and 324 of the Constitution.

7. Courts as Democratic Guardians

The judiciary occupies a pivotal position as a **guardian of constitutional democracy**, especially in matters involving electoral reforms. While courts traditionally exercise restraint in political questions, electoral reforms directly affect the **structure of democratic governance**, thereby warranting heightened judicial vigilance.

Courts must strike a delicate balance between **respecting legislative competence** and **preventing constitutional dilution**. Judicial overreach in electoral policy may disrupt democratic processes; however, **judicial abdication** in the face of sweeping electoral reforms could permit unconstitutional transformations under the guise of efficiency.

Indian constitutional jurisprudence, particularly the **Basic Structure Doctrine**, empowers courts to examine whether reforms such as ONOE infringe upon core constitutional values including democracy, federalism, and rule of law. Past interventions by the Supreme Court in electoral matters—such as electoral transparency, criminalization of politics, and voter rights—demonstrate that judicial engagement has strengthened democratic institutions rather than undermined them.

In the context of ONOE, courts must ensure:

- Protection of **state legislative independence**
- Maintenance of **electoral periodicity**
- Safeguards against arbitrary dissolution of legislatures
- Preservation of voters' right to meaningful choice

Thus, courts act not as obstacles to reform but as **institutional safeguards ensuring democratic continuity and constitutional fidelity**.

8. Findings and Critical Analysis

The study finds that while ONOE is **administratively and logistically feasible**, its **constitutional viability remains contested**. Comparative practices in countries with

synchronized elections reveal that such systems function effectively only when supported by **clear constitutional entrenchment, stable political conventions, and strong judicial oversight.**

In India's context, electoral synchronization poses unique challenges due to:

- Multi-party political competition
- Coalition governments
- Frequent dissolutions of legislatures
- Deep socio-political diversity across states

Without robust constitutional amendments addressing Articles 83, 85, 172, and 174, ONOE risks creating legal uncertainty and democratic instability. Further, the absence of judicial safeguards may allow executive dominance over electoral timing, thereby weakening institutional checks and balances.

The critical analysis suggests that **efficiency-based arguments alone are insufficient** to justify ONOE. Cost reduction and governance continuity must be weighed against **democratic responsiveness, federal balance, and political accountability.** India's federal diversity necessitates **cautious, incremental, and judicially supervised implementation** rather than abrupt electoral restructuring.

9. Conclusion and Suggestions

The implementation of One Nation, One Election represents a transformative shift in India's electoral architecture and must therefore be approached with **constitutional prudence and democratic sensitivity.** While ONOE offers potential administrative benefits, its success depends on **comprehensive constitutional amendments, broad political consensus, and robust institutional safeguards.**

The study concludes that:

- ONOE cannot be implemented through ordinary legislation alone
- Federalism and democratic accountability must remain non-negotiable
- Judicial oversight is essential at every stage of reform

Suggestions:

1. **Constitutional Safeguards:** Explicit amendments should protect state autonomy and prevent arbitrary curtailment of legislative terms.
2. **Phased Implementation:** Pilot synchronization with local body elections before nationwide rollout.
3. **Judicial Review Mechanism:** Establish mandatory judicial scrutiny of electoral synchronization frameworks.
4. **Political Consensus Building:** Engage state governments and regional parties in structured consultations.
5. **Democratic Impact Assessment:** Conduct periodic reviews to evaluate the impact of ONOE on voter participation and political diversity.

In conclusion, while electoral reform is a legitimate legislative objective, **judicial oversight remains indispensable to preserving India's constitutional democracy.** Courts must ensure that ONOE strengthens, rather than weakens, the foundational values of federalism, accountability, and democratic pluralism.

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