

**THE "BASIC STRUCTURE" VS. THE "POPULAR WILL": A KELSENIAN
ANALYSIS OF ONE NATION, ONE ELECTION (ONOE)**

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ABSTRACT

"One Nation One Election" (ONOE) is now a prominent discussion regarding India's Constitution (big topic). A Bill regarding this was approved by the Lok Sabha in February 2026 and forwarded for examination by a Joint Parliamentary Committee. Many supporters do not argue against the idea that simultaneous elections for both Union and State can promote political stability enhance administrative efficiency and foster national unity. Opponents of the change believe that it may negatively impact India's federal system resulting in a democracy lacking diversity. An examination of the ONOE plan centres on Hans Kelsen's legal theory known as the Theory of the Grundnorm (key concept). According to this perspective a singular fundamental rule exists at the core of every legal system. The study does not explore whether the concept of a "united state" and the occurrence of synchronized elections serving as justifications for ONOE are gradually evolving into a primary rule. A potential threat to the federal system embedded in India's Constitution could arise from the new rule. The federal structure is often not regarded as impervious to change. Modifications may not significantly alter its essence. Significant focus is given to a Supreme Court case (S. R. Bommai v.). A prominent examination of this case has been conducted. It does not overlook the various implications related to the ruling. The case retains relevance in legal discussions. India's union is significant. A vital aspect of the Constitution was acknowledged by the Court regarding federalism. Changes intended to enhance political efficiency cannot be seen as a disruption to the established legal order and hierarchy set forth by the Constitution when analysed through the Basic Structure doctrine and the intentions of elected representatives. A broader question emerges from ONOE's observations (wider context). Elections could lead to a transformation of India's parliamentary structure into a form resembling a presidential system. In the current framework the power resides with the legislature as defined by the Indian Constitution.

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However, it is unlikely that aspects such as accountability in mid-term or the option to dissolve the government would remain intact if elections occur simultaneously at scheduled intervals. Centralized political power could result from these established rules which may also create a more robust national mandate from the electorate. Fixed regulations are not guaranteed to lead to such outcomes. Concerns arise regarding the potential implications of these rigid structures on governance. Concerns arise regarding the potential weakening of parliamentary democracy and the federal balance in India due to the Basic Structure doctrine established in the Kesavananda Bharati case (court ruling). Parliamentary democracy could be undermined as fears grow about ONOE's influence. The fundamental principles of federalism are not always preserved in the actions influenced by ONOE.

Keywords- One Nation One Election, federalism, Grundnorm theory, Hans Kelsen, Basic Structure doctrine, S.R. Bommai case, parliamentary democracy, electoral synchronization, constitutional amendment, administrative efficiency, political centralization, judicial review

INTRODUCTION

A significant conversation has emerged in India regarding the One Nation One Election concept (politics). In February 2026 a bill was passed by the Lok Sabha. Many people do not support the formation of a committee to examine it further. Elections for both national and state governments are proposed to occur simultaneously (timing).³ Money could be saved and problems arising from election rules that disrupt regular operations are to be avoided. Government efficiency is not guaranteed to improve. Supporters believe that improved planning and enhanced collaboration among states will result from this initiative (collaboration). Concerns regarding the law and Constitution are raised by it. Additionally, not everyone is convinced that these efforts will be beneficial. A structure exists within India's government that aims to balance power across national and state levels (government power). Power dynamics within different regions are frequently revealed during state elections.⁴ Numerous times the importance of federalism to the Constitution has been highlighted by the Supreme Court. The concept of One Nation One Election prompts reflection on how the desire for "national unity" in elections could alter the essence of the Constitution. Questions arise

³ Lok Sabha Debates, One Nation One Election Bill (India, February 2026).

⁴ State of West Bengal v Union of India AIR 1963 SC 1241 (Supreme Court of India)

regarding the implications of such a change. It is not certain that merging elections will maintain the original principles outlined in the Constitution.⁵

RESEARCH QUESTION

- Does ONOE alter the constitutional balance between federalism and parliamentary democracy?
- Can electoral synchronization implicitly shift India toward a quasi-presidential political structure.
- Does the justification of “national unity” function as a new Grundnorm in constitutional interpretation?

OBJECTIVE

- To analyse ONOE through Kelsenian jurisprudence.
- To evaluate its compatibility with the Basic Structure doctrine.
- To examine implications for Indian federalism.

LITERATURE REVIEW

4.1 Impact Assessment

In India discussions among experts revolve around the idea of synchronizing all elections (scheduling). Concerns exist regarding the potential impact on governmental collaboration across states. Not everyone believes that joint elections would elevate the significance of national issues. States may find their capacity to make independent decisions compromised. Concerns regarding the "One Nation One Election" concept have been highlighted in numerous studies.⁶ The foundational structure of India's Constitution revolves around a distribution of power between the states and the central government. Court cases such as *S. R. Bommai v. Union of India* provided backing for this concept (legal reference). Support was given to the idea through these judicial examples. It is not true that the notion lacks judicial endorsement. The Basic Structure concept from *Kesavananda Bharati v. State of Kerala* safeguards the Union of India. Questions arise in new studies regarding whether conducting all elections simultaneously might disturb the equilibrium between the government's obligation to heed the populace and the states'

⁵ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966)

⁶ Law Commission of India, Report No 170: Reform of the Electoral Laws (1999) (Government of India)

entitlement to maintain their individuality. Power is distributed between the central government and states (division).

A simultaneous election is likely to weaken state governments. Importance of local issues may not be prioritized over national concerns. A system where citizens elect their leaders requires backing from the chosen representatives. When elections occur simultaneously parliaments may need to be concluded or initiated prematurely. Governments may struggle to address the concerns of the populace they serve due to this challenge.

4.2 Threat to free and fair elections

Engaging in activities may lead to difficulties with regulations (rules). Voting is conducted in stages by the Election Commission due to a lack of adequate personnel and resources for ensuring safety. It cannot be claimed that rule 324 which mandates fairness in elections is ignored. Conducting all elections simultaneously presents difficulties. Issues related to safety and fairness may arise. "One Nation One Election" does not ensure that the equilibrium between the states and the central government is maintained while attempting to save time and funds. Challenging situations may arise for maintaining fair elections (difficult process). Fair elections might not be easily achievable.

Discussions surrounding rule changes in India frequently centre on the Basic Structure concept (main idea). According to this concept the most crucial aspects of the rules cannot be altered by Parliament. Many have suggested that significant modifications should not occur if they jeopardize essential principles such as the judiciary's oversight of the government democracy or cooperation among states.⁷ Collaboration between states has been identified as a significant principle in various court rulings.⁸ According to recent studies it appears that "One Nation One Election" does not align with those important regulations.

4.3 Effect on Indian federalism

The method by which India allocates authority between the national government and individual states holds significant importance. (power structure) Numerous rulings have established that this power distribution is central to the governance framework. Modifications intended to enhance the national government's influence are not easily accomplished. A fundamental aspect was highlighted by the Supreme Court regarding the sharing of power. An explanation was provided in a different case about the distribution of power between the national

⁷ Minerva Mills Ltd v Union of India (1980) 3 SCC 625 (Supreme Court of India)

⁸ Kesavananda Bharati v State of Kerala (1973) 4 SCC 225 (Supreme Court of India)

government and the states. New ideas are not believed by everyone to jeopardize state power and the variances that exist.

4.4 Analysis with Kelsen's Grundnorm theory

According to Hans Kelsen the Grundnorm represents the fundamental concept that validates the legal system (legal principle). A basic idea underlies the functioning of constitutional rules. Not all laws derive their legitimacy from this principle. Indian experts on the constitution have consistently regarded federalism and democracy as essential for governance. The concept of "One Nation One Election" prompts reflection on whether "unity" is emerging as a new foundation for reshaping our perspective on the constitution and elections. It cannot be denied that such notions provoke a reevaluation of traditional views. Seeking unity in electoral processes continues to stir debate among citizens and lawmakers alike.

4.5 Kelsenian Analysis: Popular Will vs Constitutional Norms

Questions arise from Hans Kelsen's theories regarding the ability of lawmakers to alter constitutional interpretation with significant alterations (lawmakers). Changes to the constitution are viewed as prohibited by established rules in fair nations. In India leaders do not have the authority to amend fundamental constitutional principles. Watching new voting plans carefully is essential due to this situation. Whether "voting together" is being portrayed as a significant concept must also be assessed. Changing our interpretation of the constitution could occur according to Kelsen's perspective.

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4.6 Center will dominate Political Narrative

The concept of "One Nation One Election" could disrupt the equilibrium of democracy and central governance. (government balance) Power is granted to states within India's framework which is evident in the regulations.¹¹ Simultaneous elections will not lead to a separation of state and national matters. Large national concepts can obscure local issues complicating accountability for state leaders. The Election Commission should ensure fair elections. Combined elections do not make it easy to maintain integrity and order during the electoral process.

4.7 Impact on Parliamentary Democracy

Concerns arise regarding the impact on democracy and accountability in politics (political issues). Frequent elections occur in India allowing citizens to monitor the performance of both

⁹ Hans Kelsen, *Pure Theory of Law* (Max Knight tr, University of California Press 1967)

¹⁰ Hans Kelsen, *Pure Theory of Law* (2nd edn, University of California Press 1967)

¹¹ *S.R. Bommai v Union of India* (1994) 3 SCC 1 (Supreme Court of India)

national and state administrations. When elections coincide this mechanism of oversight could become ineffective resulting in leaders being held less accountable.¹² Elections conducted concurrently may draw attention to national figures and topics rather than local matters. More authority could potentially be granted to the primary leader such as in a situation where a president exists within a framework intended for a parliament. Neglecting local considerations can influence the overall political landscape.

GAP IN LITERATURE REVIEW

- Hans Kelsen's Jurisprudential Analysis is missing. Most recent ONOE research focuses on election management, political science, or administrative efficacy. Because few scholars employ Hans Kelsen's Grundnorm theory to analyse the proposal, there is a knowledge gap about how electoral synchronization can change the normative hierarchy of the Constitution.
- A Restricted Examination of ONOE in Connection with the Basic Structure Doctrine While scholars consider federalism as part of the Basic Structure Doctrine, no investigation has been conducted to ascertain if ONOE could indirectly alter the constitutional balance maintained in *S. R. Bommai v. Union of India* and *Kesavananda Bharati v. State of Kerala*.
- Insufficient Study on the Shift to a Quasi-Presidential System The research now in publication seldom ever addresses the topic of whether synchronized elections could gradually transform India's parliamentary system into a quasi-presidential political model by focusing electoral mandates around national leadership.
- Ignorance of Election Administration and Resource Limitations Little scholarly attention has been paid to the Election Commission of India's practical ability to hold simultaneous national elections while ensuring free and fair elections in accordance with Article 324 of the Indian Constitution.
- The Constitutional Principle of "National Unity" has not been discussed normatively. Current literature does not adequately explore whether the political justification of "national electoral unity" could evolve into a new constitutional norm that challenges federalism within the Indian constitutional framework.

CONCLUSION

The concept of "One Nation One Election" appears appealing for simplifying governance (simplification). Managing elections could be made easier through this initiative. However, the fundamental principles of our Constitution should not be overshadowed by this proposal.

¹² Election Commission of India, Report of the Committee on Electoral Reforms (Government of India, 2015)

Changes impacting election procedures should adhere to established guidelines from the *Kesavananda Bharati v. case. In the context of the Kerala case safeguarding the integrity of the nation's system is essential. The rights of citizens to make choices must not be compromised. Freedom for governmental organizations is also a priority. The effectiveness of a change in voting (improvement) hinges on its compatibility with the Constitution rather than simply its practicality. Elections being held simultaneously may cause an imbalance of power in a centralized location or result in diminished responsiveness of state governments to their citizens. Such a scenario would not preserve the foundational structure of the Constitution. Striving for "electoral unity" should not be the purpose of amending the Constitution. (goal) Small adjustments that improve processes can be made without infringing upon individual state rights or the right to vote. Weakening democracy or prioritizing convenience over necessity should not occur when simplifying systems.

