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# **Constitutional Implications of the 129th Amendment Bill**

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# Abstract:

This research critically examines the constitutional implications of the **129th Constitution Amendment Bill,** introduced in 2024 to enable simultaneous elections for India's Lok Sabha and state legislative assemblies. Through doctrinal analysis and case law review, the study assesses whether the bill aligns with the basic structure doctrine, focusing on federalism and separation of powers. Findings suggest that the bill's centralization of election schedules may undermine state autonomy, potentially violating federalism, while discretionary powers granted to the **President and Election Commission of India (ECI)** raise concerns about executive overreach. Supported by precedents like **Kesavananda Bharati v. State of Kerala** (1973) and Union of India v. Rajendra N. Shah (2021), the analysis indicates the bill may require state ratification and judicial scrutiny to ensure constitutional compliance. The study concludes that a balanced approach with state consultation is essential and recommends safeguards to protect India's federal and democratic framework.

**Keywords**: Simultaneous Elections, Constitutional Amendment, Basic Structure Doctrine, Federalism, Separation of Powers, India

# Introduction:

The concept of simultaneous elections, or "One Nation, One Election," aims to synchronize the electoral cycles of India's Lok Sabha and state legislative assemblies, a practice last consistently implemented in the 1950s and 1960s. The 129th Constitution Amendment Bill, introduced in 2024, proposes amendments to Articles 83 (duration of Houses of Parliament), 172 (duration of state legislatures), and 327 (Parliament's election powers), and inserts Article 82A to enable this synchronization. Proponents, including the High-Level Committee led by former President Ram Nath Kovind, argue that simultaneous elections reduce election costs (estimated at ₹4,500 crore per cycle), minimize administrative disruptions, and enhance governance focus. Critics, however, contend that the bill may undermine federalism by centralizing election control and risk executive overreach through discretionary powers granted to the President and ECI. This study evaluates the bill's constitutional validity, focusing on its

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compatibility with the basic structure doctrine established in Kesavananda Bharati v. State of Kerala<sup>2</sup>. It addresses two questions:

(1) Does the bill require state ratification under Article 368(2)?

(2) Does it violate the basic structure doctrine, particularly federalism and separation of powers? The paper is structured as follows: Materials and Methods outline the research approach, Results and Discussion analyze findings, the Conclusion synthesizes insights, and Recommendations propose constitutional safeguards.

#### Materials and Methods:

This study employs qualitative doctrinal legal research, analyzing primary and secondary sources. Primary materials include:

- The 129th Constitution Amendment Bill text.
- Constitutional provisions: Articles 83, 172, 327, and 368.
- Landmark judgments: Kesavananda Bharati v. State of Kerala (AIR 1973 SC 1461), S.R. Bommai v. Union of India ((1994) 3 SCC 1), Indira Nehru Gandhi v. Raj Narain (AIR 1975 SC 2299), Minerva Mills v. Union of India (AIR 1980 SC 1789), and Union of India v. Rajendra N. Shah ((2021) 10 SCC 1).

Secondary sources include:

- Reports: Law Commission's 170th Report (1999), Draft Report on Simultaneous Elections (2018), High-Level Committee Report (2024).
- Scholarly works: Karthikeyan (2018), Shrotriya & Pachauri (2025).
- Databases: HeinOnline, JSTOR, and Indian Kanoon.

The methodology involves:

- (1) Doctrinal analysis of constitutional provisions and judicial interpretations.
- (2) Case study analysis of relevant judgments

<sup>&</sup>lt;sup>2</sup> Kesavananda Bharati v. State of Kerala (AIR 1973 SC 1461).

(3) Comparative evaluation of the bill's provisions against the basic structure doctrine. Data collection spans 1973-2025, focusing on recent developments. Limitations include reliance on public-domain texts and the bill's ongoing legislative status, which may evolve.

#### **Results and Discussion:**

This section addresses the study's objectives: to evaluate the 129th Amendment Bill's constitutional validity and its alignment with the basic structure doctrine, focusing on federalism and separation of powers. Results are presented in text and a table, followed by a discussion of findings, prior literature, limitations, and future research directions.

#### **Results**:

The 129th Amendment Bill proposes:

- Amendments to Articles 83, 172, and 327: Adjusts the duration of Lok Sabha and state assemblies and enhances Parliament's election-related powers.
- Insertion of Article 82A: Establishes an "appointed date" set by the President post-Lok Sabha election, aligning state assembly terms to expire with the Lok Sabha's fiveyear term. Mid-term elections are limited to the unexpired term, and the ECI may defer state elections if simultaneous conduct is infeasible.

#### **Constitutional Concerns**:

- Federalism: Synchronizing state assembly terms with the Lok Sabha reduces state autonomy over election schedules. The "down-ballot effect" (77% likelihood of same-party voting) may prioritize national issues, undermining state-specific governance).<sup>3</sup>
- State Ratification: The bill claims amendments to Articles 83, 172, and 327 do not require state ratification, as they are not listed in Article 368(2). However, Union of India v. Rajendra N. Shah<sup>4</sup> held that amendments affecting state powers require ratification.
- Separation of Powers: Article 82A's discretionary powers for the President and ECI risk executive overreach<sup>5</sup>.

<sup>&</sup>lt;sup>3</sup> S.R. Bommai v. Union of India ((1994) 3 SCC 1).

<sup>&</sup>lt;sup>4</sup> Union of India v. Rajendra N. Shah ((2021) 10 SCC 1).

<sup>&</sup>lt;sup>5</sup> Minerva Mills v. Union of India (AIR 1980 SC 1789).

Aspect	Provision	Potential Issue	<b>Basic Structure</b>	Precedent
			Concern	
Federalism	Article 82A	Reduces state	Undermines	S.R. Bommai v.
	aligns state	autonomy,	federal	Union of India
	terms with Lok	down-ballot	structure.	(1994).
	Sabha.	effect.		
State	Amends	May affect state	Violates Article	Union of India
Ratification	Articles 83,	powers.	368(2)	v. Rajendra N.
	172, 327		requirements.	Shah (2021).
	without state			
	consent.			
Separation of	President/ECI	Risks executive	Threatens	Minerva Mills v.
Powers	discretion in	overreach.	judicial	Union of India
	Article 82A.		oversight.	(1980).

 Table 1: Constitutional Implications of the 129th Amendment Bill:

#### Discussion:

The basic structure doctrine, established in **Kesavananda Bharati v. State of Kerala**<sup>6</sup>, protects core constitutional features, including federalism and separation of powers. The 129th Amendment Bill's alignment of election cycles may infringe federalism by centralizing control, as state assemblies lose autonomy over their election schedules. The down-ballot effect could homogenize political representation, reducing regional diversity, a concern echoed by scholars who argue that national parties may dominate state elections. In S.R. Bommai, the Court emphasized that federalism ensures state legislative independence, which the bill may undermine.

The procedural issue of state ratification is contentious. **Article 368(2)** requires ratification for amendments affecting state powers, such as those listed in the Seventh Schedule. **In Union of India v. Rajendra N. Shah**<sup>7</sup>, the Court struck down parts of **the 97th Amendment** for lacking ratification, as it impacted State List Entry 32. The 129th Amendment's effect on state election

<sup>&</sup>lt;sup>6</sup> Kesavananda Bharati v. State of Kerala (AIR 1973 SC 1461).

<sup>&</sup>lt;sup>7</sup> In Union of India v. Rajendra N. Shah ((2021) 10 SCC 1).

schedules may similarly require ratification, despite claims by the High-Level Committee that it does not. This discrepancy warrants judicial clarification.

The bill's delegation of powers to the President and ECI raises separation of powers concerns. Minerva Mills highlighted the judiciary's role in checking executive overreach, and excessive discretion in election scheduling could undermine this balance. Karthikeyan (2018) argues that simultaneous elections may be constitutional if safeguards ensure state autonomy, but the current bill lacks such mechanisms.

Proponents highlight benefits like cost savings and administrative efficiency, as noted in the Law Commission's 2018 report. However, these must be balanced against constitutional risks. The bill's potential to prioritize national issues over state concerns could weaken India's federal diversity.

# Limitations:

The study relies on publicly available texts, and the bill's final text may evolve. The lack of empirical data on voter behavior under simultaneous elections limits predictive accuracy. Future research could analyze election outcomes in states with concurrent polls (e.g., Andhra Pradesh) or compare with federal systems like Germany.

## **Conclusion**:

The 129th Constitution Amendment Bill offers potential benefits but poses significant risks to India's federal structure and separation of powers. Its centralization of election schedules and discretionary powers for the President and ECI may conflict with the basic structure doctrine. Judicial review, guided by precedents like **Kesavananda Bharati and Rajendra N. Shah**, is essential to ensure constitutional compliance.

## **Recommendation**:

To align the bill with India's constitutional framework:

- Mandate State Consultation: Require state legislature approval to uphold federalism, potentially through Article 368(2) ratification.
- Limit Executive Powers: Establish transparent guidelines for the President and ECI to prevent overreach.
- **Conduct Empirical Research**: Study the down-ballot effect and its impact on state representation to inform policy.

- **Encourage Judicial Review**: The Supreme Court should proactively assess the bill's compatibility with the basic structure doctrine.
- Learn from Global Models: Analyze election synchronization in federal systems like Germany to adopt best practices.