

JPHS MUN

ALL INDIA POLITICAL PARTIES MEET

Letter from the Executive Board

Dear Delegates,

It gives me immense pleasure and honor to write to you as the Moderator of the AIPPM at JPHS MUN. As is pertinent, a great opportunity has knocked your doors where you get to take part in country's one of the most prestigious youth conclaves, therefore, the excitement is genuine and expected. With the same excitement, I welcome you to a new year wherein we expect ourselves to be unleashed from horrors of past and enter into a new era of maximizing hopes and happiness. This conclave if nothing else is a documentation of 'hope', in a way that many of us would not be able to appreciate it, but of course we need to. When I mention the word hope, I take it as my responsibility to ignite the same spark in you as me for the new opportunities that lie in front of us. I have personally seen the organizers hustle in order to present to you a nearly perfect conference so that you get to start your year with an intellectual meetup filled with lively people and their glories. That being said, I welcome you all to the All-India Political Parties Meet.

This guide is going to act as your best companion for the two days of the conference and if implemented effectively, I can assure you a positive impact in coming years of your lives. This guide however, is the beginning of your research and not the end; therefore, my words must act as your first milestone only to cover next thousand kilometers alone. The executive board expects the delegates to be well researched into the topic and also anything surrounding the topic that might be of our concern in the two days discussing the agenda. In most of the conferences we act as mere Moderators, but in committees at JPHS we attempt to put in best versions of ourselves to establish one of the heartiest and best learning experiences of your lives. Therefore, be ready with your research and rhetoric, and we shall assure you the same from our side.

Please we well versed with the guide and the issues mentioned in the guide, you might obviously take the level of the discussion over and above the expectations of the executive board, but then this is the bare minimum level we expect you all to adhere.

I am available to be contacted for genuine queries and questions relating to the issues in working hours of the day. You can bring up questions of law, fact and general debate; wherein, I would try to enhance your understanding through my own vision and intellect.

With this I bid adieu to you all until we finally meet at the conclave all geared up to battle our ideologies and rhetoric, only to settle the issue at hand – for what are we if not problem solvers.

*Paron ko khol zamana udaan dekhta hai,
Zameen pe baith kar kya asmaan dekhta hai.
Husn mila hai to husn ki hifazat kar,
Sambhal kar chal tujhe sara jahaan dekhta hai.*

Regards,

RAHUL SINGH KAJLA

Moderator

About All India Political Parties Meet

The functioning of democracy in India occurs through the Parliamentary System of Governance wherein we get to choose our representatives who act as our voices in the Lower House of the Parliament. India also happens to be a multi-party democracy wherein political parties contest elections through their individual candidates to get maximum shares in the seats at respective legislative assemblies to sustain a majority and form government. Formally the government is not formed by any political party but the representatives of the people who are members of political parties, however, in a country like India where political parties amass resources no less than multi-million enterprises, the role of political parties turns out to be humongous.

Furthermore, a political party also presents legitimacy to any candidate wherein the populace can actually trust the candidates launched by parties.

Indian Parliament functions in three sessions namely – the Budget Session, the Monsoon Session and the Winter Session. Rest of the times the deliberations are at halt and are conducted by either informal means or some formal means as Parliamentary Committees and the Secretariat. Majorly the time is never enough of members to discuss the issues at lengths and the deliberations are therefore shortened by cut-short motions and other tools alike. However, there happen to be certain issues wherein the cost of cutting short the discussion is fairly high and the time taken by members to attain a consensus is even higher. This is where the meet-ups such as AIPPM come into play, wherein different parties meet and discuss issues which include tussle between different sections of the political membership in order to lead to a possible workable solution. One thing which is comprehensible in this educational model is the paucity of time we face just like our political representatives, therefore, we must all understand the gravity of the issue and the auspices this meet is.

Generally, AIPPM is called under the hand and the seal of the Prime Minister, however, the authority arranging the meet can be varied. The Election Commission of India called out for an AIPPM to discuss various reforms in the election machinery of the country in 2018, which can act as a model for us to function. At the end we must realize the functioning of the committee differs from conventional Indian committees whose rules of procedures are fixed. We enjoy a certain scope of liberty in running the committee depending upon the status of the congeniality amidst the different members on different issues, just in order to arrive to a better solution in the

end. However, an RoP will still be followed, which would be explained to you in detail before the beginning of the deliberations.

With that being said, we hope the air around the proceedings and the functioning of the meet-up is cleared; the agenda at hand is –

ELECTORAL REFORMS with special emphasis on One Nation One Election

Introduction to the Agenda

Elections lie at the heart of any democracy, the process therefore, becomes one of the most complex and tiresome for any country's machinery and administration. The intricacy of elections in India can be understood from the fact that our constitution makers created a constitutional body to deal with elections and make them a fair process. The process therefore lies at the core of Indian democracy to protect and project the wishes of the Indian population.

The central concern of any process pertaining to elections is the 'Concept of Franchise' or simply said, 'Who all get the right to vote?'. This question has got its due importance in the history of national movement since the formation of Indian National Congress in 1885 and thereafter. Right from Indian Councils Act of 1861 to Indian Independence Act of 1947, men and women would closely observe the gazettes in a hope of getting more representation and franchise; therefore, when today we sit to discuss and deliberate on the electoral reforms, we must remember we sit under the aegis of those grand masters who now portray their intellect and the spirit of national service on us.

Other than the right to vote, another question that startles us today is 'How fair is the process of elections?' this question has been the foremost concern of the Election Commissioners ever since its formation. In order to answer the question, one must understand the constituents of free and fair election. Beginning from the most basic compulsion, the elections must be devoid of any corrupt

practices, including as basic as use of muscle and money power to prevention of booth capturing; all these concerns are constituents of free and fair elections.

Moving on, the next question that we must ask ourselves is – ‘Whom to elect?’, is it just the political and monetary power that attracts all the votes or there should be a fair ground for every citizen to compete in elections. For if only money and political power manifest each other, isn’t it possible that a welfare state soon turns into an enterprise, running for profit and cost minimization?

The guide further presents certain issues the country faces in general and the committee in specific. Please be equipped with research work around these questions and also others that might strike your minds, since creativity is duly awarded in committees such as the AIPPM.

Funding of Elections

Discussion on Electoral Reforms is incomplete until and unless a better model of funding of elections is devised. There have been representations from different sections who have presented valid arguments ascertaining the setting up of a limit of the election expenditure carried upon by political parties. Much out of the deliberation could not be expected since even after a limit the problem still remains unsolved. The Election Commission works at all fronts to reduce the role of money power in the process and try to make it fairer for people with less privileged backgrounds, however, the resultant action has never been satisfactory.

The issue of funding has to be dealt on two fronts, firstly the concern we all like to talk about – corruption and role of money power¹; secondly, the concern which goes unnoticed – the huge burden on the exchequer in holding elections. Therefore, due attention needs to be paid to both these concerns since no solution is workable unless the resultant attends to both of them.

Talking about the role of money power, ECI has set a limit as to what a party or a person can spend on the election campaigns under the Representation of People’s Act 1951. The limit however, is set up by the Central govt through various Rules (for eg. The Conduct of Election Rules, 1966) and the power of the ECI is limited to merely recommend. One can make note of the power the central govt and political parties contain in the procedure of elections in a country like India. The delegates must come updated with the latest limits of expenditure set up by the

recent rules in their states and also for the Lok Sabha. Furthermore, the problem also lies at the transparency and accountability of the candidates in filing returns of their election expenditures. The process is flawed to the extent that one can firstly spend in lofty amounts legally, and then can use corrupt methods to buy out votes hiding the expenditure in the returns. Therefore, the limit is virtually useless, and this becomes one of the greatest concerns for the committee. Secondly, the hefty expenditure that is incurred at the hands of an election machinery and is a burden to the national exchequer – is another issue for concern. New Delhi based – Centre for Mass Studies in its reports mentioned the cost of 2019 Lok Sabha election to be around Rs. 50,000 crores. To many of us this number seems inflated and incomprehensible, however, a small exercise might help you understand the whopping number. Per capita cost of Indian election is around Rs. 384, which is more than daily wages in some parts of the country. Therefore, in a way the govt spends more on you to cast your vote, than you earn in that one day. Imagine the burden on exchequer the elections put! However, this expenditure is still justified as the cost to run an entire democracy, but imagine the costs incurred by bye-elections occurring to horse-trading or other issues the candidates face. Also, imagine we are not yet talking about assembly elections, elections to the Vidhan Parishad, the Municipalities and the Panchayats. The expenditure goes into digits, no human brain can mathematically comprehend. Therefore, the gravity of this issue is high and we must commit ourselves to discussing a way out of the fix for the people of India – the real sovereign, have expressed their trust in us.

Right to Vote – A Constitutional Right?

Article 326 - The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than [eighteen years] of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

The above article codifies the universal adult suffrage in India; in other words, provides us (the citizens of India) with the Right to Vote in Assembly elections and elections to the Lower House of the people.

However, Supreme Court in its proceedings under the PUCL v. UoI, 2004, mentioned Right to Vote as a statutory right and not a fundamental right under the Part 3 of Indian Constitution.

Furthermore, one of the most interesting contestations of 2022 is the one in which Justice Joseph² has mentioned the right to vote to be a constitutional right under article 326³.

The delegates must understand the intricacies of an issue like that of right to vote. The delegates can also argue on the stature of right to vote and present their views for the same. The matter being sub-judice, we are however bound by the precedents of the courts. We still expect the delegates to have an opinion about the right.

Electoral Bonds – Seriously Transparent?

The central govt through the following press release in 2018, explained about the novel feature of funding of political parties.

Press Release

Introduction of the Scheme of Electoral Bond

The Government has notified the scheme of Electoral Bonds to cleanse the system of political funding in the country. The broad features of the scheme are given below:

1. Electoral Bond would be a bearer instrument in the nature of a Promissory Note and an interest free banking instrument. A citizen of India or a body incorporated in India will be eligible to purchase the bond.
2. Electoral bond would be issued/purchased for any value, in multiples of ₹1,000, ₹10,000, ₹1,00,000, ₹10,00,000 and ₹1,00,00,000 from the specified branches of the State Bank of India (SBI).
3. The purchaser would be allowed to buy electoral bond(s) only on due fulfilment of all the extant KYC norms and by making payment from a bank account. It will not carry the name of payee. Electoral Bonds would have a life of only 15 days during which it can be used for making donation only to the political parties registered under section 29A of the Representation of the Peoples Act, 1951 (43 of 1951) and which secured not less than one per cent of the votes polled in the last general election to the House of the People or a Legislative Assembly.
4. The bonds under the Scheme shall be available for purchase for a period of 10 days each in the months of January, April, July and October, as may be specified by the Central Government. An additional period of 30 days shall be specified by the Central Government in the year of the General election to the House of People.
5. The bond shall be encashed by an eligible political party only through a designated bank account with the authorised bank.

Government of India
Ministry of Finance
Department of Economic Affairs
Budget Division
North Block,
New Delhi-110001
Dated: the January 02, 2018.

The scheme of electoral bonds has however faced much political slack due to the controversy enfolding its features, especially those dealing with anonymity and transparency. The role of central govt and its instrument has increased in the functioning of political parties, a matter which has also reached the doors of the Supreme Court. The delegates must undertake due research to understand electoral bonds and the problems ensued. The grounds at which the scheme is introduced are same as the grounds on which it is being challenged at the Supreme Court. The committee therefore, can look into the functioning of electoral bonds and try to resolve the tussle between govt and opposition.

One Nation One Election – the way ahead?

One Nation One Election has been central to all the deliberations relating to electoral reforms, proposed by the central govt to relieve the burden on national exchequer by holding simultaneous elections for Lok Sabha and State Assemblies. The concept has not been new to the Indian democracy and simultaneous elections was a feature of Indian elections till 1967, wherein the dissolution of a state assembly distorted the rhythm of synchronized election.

The proposal contains basically two provisions –

1. Creating a single list containing the name of all the voters –

Presently the elections to Lok Sabha and State Assemblies are conducted by the Election Commission of India, whereas the elections to Municipalities and the Panchayats are conducted by respective Election Commissions of different states. As a resultant of which separate lists are created by different commissions. This ‘duplicacy of efforts’ has been called out by the Prime Minister as unnecessary, since the Article 326 allows all the citizens to be voters, therefore, there happens to be no chance of being difference in names under different lists. Political parties have generally provided consent on this proposal.

2. Conducting synchronized elections –

The provision is criticized by the parties and is the main bone of contention, therefore, the task of the AIPPM also happens to create a consensus either on the novel system of elections or

maintaining the status quo. The advantages and disadvantages of the scheme must be researched thoroughly by the delegates depending on their portfolios. Delegates can seek help from the links attached at the closure of the guide.

Does Election Commission need its own machinery?

Presently the ECI does not have its own administrative machinery but uses the machinery of different organs of the govt to conduct the elections. IPS officers, IAS officers and the staff of District Education Departments is utilized to conduct elections at all tiers of the govt. Many a times this leads to corrupt practices by the officers since the power of reward and punishment lies with their parent organisations and hence leading to a need of different machinery altogether. The committee must look into the possibility of providing ECI and State Election Commissions with their own administrative and official machinery in order to provide proper ethical training to the officials and induce expertise in them as required to conduct the complex process that are Indian elections.

The delegates must research into the pros and cons of providing the commissions with human-power and the intricacies underlying the provision relating to finance, national security and integrity.

Conclusion

The delegates must come prepared with the concerns discussed and must remember all these questions posed at you in this guide, are just a brief into the magnanimous concern that ‘Electoral Reforms’ are; moreover, the questions are also a guide to the topics you might pick up in the committee to begin discussion. Please take note the discussion will not be limited to the above questions and may take different direction depending upon the collective intellect of the committee.

References and Links for further Research

1. One Nation One Election – <https://www.drishtiias.com/pdf/1606473821-pm-on-one-nation-one-election.pdf>
2. For Laws, Acts and Cases –
 - a. IndianKanoon.org
 - b. LiveLaw.in
3. Constitutional Provisions –
 - a. DD Basu – Introduction to the Constitution of India
 - b. PM Bakshi – The Constitution of India