

Advantages of Holding simultaneous Election

- (iv) Holding simultaneous elections will help save public money.
- (v) Reduce the burden on the administration.
- (vi) Regular election exercise restricts the security forces from curbing other security threats.
- (vii) Model Code of Conduct also restricts a lot of financial/economic activity & that leads to ~~de~~ financial dent on the economy
- (viii) may increase voter turnout.

Concerns

- It is against the federal structure because a state can't take its own course & would have to look at the centre.
- Checks & Balances ^{would} / _{will} go away.
- National issues would hijack local issues.
- Most ~~prop~~ probably a single party would come at the centre & the state.
- What if the govt. falls before 5 years.

Main Constitutional Provisions which require changes for simultaneous elections:

- Article 83 & 172 →
 - Article 85 & 174 →
 - Article 75(3) & 164(2) →
- Ref. polity for explanation

- Ref. ppt
- Representation of the People Act 1951
 - Sections 14 & 15 → (notification for the general election)
 - Part IX of the RPA Act 1951 → ("Bye-election")

- Heng parliament.
- Budgetary aspects.

Solution ÷

- In the parliament of Germany i.e. lower house (Bundestag) when a no-confidence motion is moved against a chancellor then a confidence motion has to be moved as well. So if both passes the chancellor is appointed

without having fresh election.

• In South Africa, simultaneous election is there for national & provincial level.

• In Sweden, the council & municipal election takes place simultaneously.

Once the principle is found to be rational the fact that a few instances of hardships may arise on either side can't be a ground to invalidate the order or the policy.

At the same time any law that is not acceptable to the masses is not capable of being implemented. Hence, a move towards holding simultaneous elections will have to be made building a political & public consensus.

Compulsory Voting →

More than 20 countries have compulsory voting but only half enforce it.

In Belgium citizens must present themselves on the polling stations on the voting day. However, casting a legal vote is not mandatory.

In Brazil, literate citizens must vote.

In Australia, the penalty for violation includes an explanation for not voting & a fine.

In 2004, 2009 & 2014, compulsory voting bills were introduced in the parliament.

Arguments given against the bill included that of remoteness of the polling booth, difficulties faced by certain classes of people like daily wage labourers, nomadic groups, pregnant women, differently abled etc. in casting their votes.

Gujarat local authorities law (Amendment) Act, 2009,

The Law Commission Report, 2015

says that Electoral Right of the voter includes Right to vote or refrain from voting at an election.

The commission does not favour compulsory voting in India & in fact believes it is highly undesirable, undemocratic, expansive & is unable to improve quality of participation.

Representation of People Act, talks of "Right to vote" rather than "Duty to vote". Democracy is need to accommodate dissent & diversity of views. This includes the option of not taking part also.

Supporters argue that once people gets to know that they have to

take politics more seriously & would take a more active role but the Australian experience proves otherwise. (i.e. Donkey voting).

Under a regime of compulsory voting, winning or losing an election would be mainly dependent on data collection, efficient management of human resources, strategic manipulation of electorates, then on performance.

• Minimum Educational Qualification for Contesting election :-

• Haryana Panchayati Raj (Amendment) Act, 2015

This law leaves 68% of Scheduled Castes women & more than 40% of S.C. men in Haryana ineligible to contest elections.

Supreme court said that the court

feels that the basic education would enable the candidates to effectively discharge duties of panchayats.

• Experience has shown that ^{wisdom} ^{governance} & experience plays a greater role at local level especially in villages.

• Illiteracy is not by choice.

• Proxy Voting

Committee for exploring feasibility of alternative options for voting by overseas electors recommended both e-postal ballot & proxy voting proposal to allow NRIs to vote. Voting through postal ballot was shut down over the concerns that it would be too difficult to implement.

The committee also ruled out online polling that it could ^{be a} security of voting

positives ÷

- it would make Democracy more participatory thereby would deepen the democracy
- they would start taking more interest in the ^{Indian} election process.
- Due to their worldly experience they may not vote on cast & communal lines.

Concerns ÷

- Against the concept of equality.
(intra-country, no proxy voting)
(one person, one vote)
- It is against Right to secrecy.
→ In Kuldip Nayyar Case, 2006, the constitutional Bench held that the secrecy of the ballot is the basis for constituency based representation.
The court expressly stated that secrecy is a must in a

→ PUCL - 2013 Case

Supreme Court held that the secrecy of the Ballot is an essential feature of free & fair elections, which implies that Secrecy of the Ballot is also covered by the ambit of the basic structure doctrine.

- There is no guarantee that the proxy will vote for the candidate preferred by the overseas elector/voter.
- Votes could be bought / money power use would increase.
- They might not know the true picture.
- Embassies might be used to garner votes.
- Foreign employers with vested interest can coerce workers to issue proxies to certain individuals.
- Impossible to impose
- ...conduct throughout the world,

Judicial Reform

Nature of Justice System →

~~Advers~~ Adversarial System →

is a system arise at a decision by having each side to a dispute present its best opinion & then permitting a neutral decision maker to determine the facts & apply the law in light of the opposing presentation of the two sides.

Inquisitorial System →

is a system where the court or the part of the court is actively involved in investigating the facts of the case.

Justice Malimath Committee

constituted to suggest measures to reform the Indian Criminal

Justice system stated that

the Adversarial system has not worked satisfactorily in India & some beneficial features of the Inquisitorial system should be incorporated. The Inquisitorial system is certainly efficient in the sense that the investigation is supervised by the judicial magistrate which results in high rate of conviction. The committee on the balance felt that a fair trial & in particular, fairness to the accused, or better protected in adversarial system.

Issues:

- Inquisitorial system will increase the burden on the courts & the need for far greater infrastructure.
- In the Inquisitorial system followed in Germany & France there are moves to incorporate features of

Adversarial system due to practical difficulties.

Pendency of the cases

3.5 cr + cases are pending.

87% lower judiciary.

12% in High Courts.

0.2% in the Supreme Court.

Shortage of Judges

Supreme Court $\rightarrow 33+1$

High Court $\rightarrow 25 \rightarrow 1079$

Lower Judiciary $\rightarrow 22,700$ approx. $\rightarrow 5500+$

400+ vacancy

5500+