



SHISHUKUNJ MUN

INDORE

2021

Study Guide

All India Political Party Meet

**Agenda: Evaluating the Existing
Election Setup with Special Emphasis on
One Nation One Election**

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Letter from the Bureau

Greetings Politicians!

It is our utmost pleasure to welcome you to the All India Political Party Meet of the Shishukunj Model United Nations Conference, 2021.

We hope you have read the agenda summary and the organ description prior to reading the study guide. The study guide has been drafted with the objective of providing you with the background of the agenda as well as for giving you the groundwork for your research.

We will evaluate the existing electoral setup and will have a comprehensive discussion about the policy of One Nation One elections which calls for the simultaneous elections again. We expect you to come up with interesting solutions to this issue, touch each and every aspect of the problem, and step into the shoes of a politician confidently. The committee will be expected to formulate a comprehensive draft resolution.

During the conference, we urge you to present your individual opinions and not only your party stands in the committee; it is your creativity and thoughtfulness that would make the discussions fruitful. This study guide will provide you with a comprehensive outlook of the agenda and how the committee will function. Please note that the committee will run in the GA format only and will NOT follow the traditional AIPPM (parliamentary) rules procedure. Needless to say, we also expect you to come well equipped with reasoning skills, technical knowledge and negotiation skills.

This guide touches upon all the different aspects that are relevant and will lead to fruitful debate in the committee. However, it has to be noted that it only contains certain basic information which may form the basis for your debate and research. We encourage you to go beyond this guide and delve into the extremities of the agenda to further enhance your knowledge.

Prepare well!

Feel free to reach out to us regarding anything. Study guide- reference

Regards

Priyam Mitra, Co-Chairperson

Stuti Rawat, Co-Chairperson

Stuti Desai, Rapporteur

Committee Background

The All India Political Party Meet (AIPPM) serves as an influential supplementary committee to the parliament. It serves as a forum for political discussion which couldn't take place in the parliament due to time constraints. The committee allows the diverse political groups of India to reach a conclusion on decisions of national importance. Taking into consideration that India has a multi-party system, different political groups bring in their diverse perspectives and opinions on various important issues. The committee is expected to formulate a final document that will serve as a recommendation to the government.



Agenda Overview

“Democracy is the government of the people, by the people, for the people”, Abraham Lincoln. India strongly stands by the pillar of equality hence it strongly practices Universal Adult Franchise since Independence. The nation practices an indirect democracy and therefore the process of choosing the representatives who would frame laws is of utmost importance. The power to choose their government is vested in the citizens via elections. They perhaps are the most vital organ of democracy. The process of selecting the government in the second-most populous country in the world isn't an easy task.

With the constant development in and around the country there is a vital requirement of bringing a change in the method in which the ruling body of the government, the elections is conducted. The election started off with stamped ballot, then came up Electronic Ballot and now we have Electronic ballots along with VV-PATS. A complex electoral system is practised in India and it has been identified by the Election Commission of India as well as the law commission that certain reforms are long overdue, which must be rectified. India following a multiparty form of government as a three-tier federal system makes the election system complex. A reformed policy is required to match up the development pace and overcome the unavoidable drawbacks of the existing electoral system.

One Nation One Election is simply a concept where simultaneous elections for all the various federal levels are conducted. One Nation One Election proves to be an effective and efficient electoral setup.

This concept has been under discussion and controversy since 1983 in India. With some parties asking for its implementation and a few demanding modifications, our question here is- if this concept is applied in India will it be able to overcome the limitations of the existing system and increase the pace of development?

With this question in mind, the committee needs to formulate a comprehensive draft resolution containing detailed solutions to overcome the limitations of the existing election system in the form of a policy.

History of Elections in India

India started with simultaneous elections for both the central and assembly governments. The elections were conducted simultaneously in 1952 and 1957. In 1959 when the then Prime Minister Pt. Jawaharlal Nehru's government exercised their powers under article 356 of the Indian constitution and dismissed the government of the Communist E M S Namboodiripad, the cycle of the simultaneous elections commenced breaking. The governments at all the federal levels have a 5-year term hence in the case of a midterm or a by-election the concept of simultaneous elections gradually started to fade away.

By 1967 we saw the Indian National Congress took a setback in various states, we witnessed multiple political parties emerging namingly Bharatiya Kranti Dal, Samyukta Socialist Party, Praja Socialist Party, Swatantra Party, Bharatiya Jana Sangh. This led to the concept of coalition governments since no one political party received an absolute majority. These coalition governments due to internal conflicts often got dissolved before completing a full 5-year term; this further contributed to the disruption of the simultaneous elections.

Misuse of Article 356 during the governments of the Janta Party (1977-79) and the Congress party under Indira Gandhi (1966-77,1980-84) was one of the major reasons for the desynchronisation of state assemblies and the Lok Sabha. Another major reason was the instability at the centre with leaders resorting to defection*. Major measures have been taken to reduce their occurrence including the introduction of anti-defection law by the 52nd amendment and the judgment passed by the Supreme court in S.R. Bommai v. Union of India case regarding Article 356.

*defection- Cambridge defines defection as 'the act of leaving a country, political party, etc. to go to another one'

Existing Electoral Setup in India

Type of party system

India follows a multi-party system. Where there is no limit on the number of political parties that can contest the elections.

This multi-party system has led to the rise of local or regional parties that play an important role in the formation of governments. This has led to the rise of coalition governments in India.

Elections Setup in India

The elections in India aren't simultaneous. The elections for the Central, State and local governments are held independent of each other. The voter's list for them is separate. The government at all the federal levels serves a term of 5 years. Elections are held whenever the incumbent government's maximum term ends. In case the government dissolves before a period of 5 years then a midterm election within the next 6 months is held.

Role of Election Commission of India

The role of the Election Commission (EC) is to administer and conduct the elections in India. General elections, state legislature elections, elections for President and Vice President of India are under the control and direction of EC. The role of EC is also extended to the delimitation of constituencies, preparation of electoral rolls, recognition of political parties and allotment of symbols.

Features

Local Bodies:

Local bodies play the major role in inculcating the idea of democracy at the grassroot level. Under article 243 E and 243 U of the Indian Constitution, it has been specified that if a local body has been constituted midterm then its term will be for the remaining period of time and not for the full 5 years. The power of conducting elections of local bodies have been vested with the state election commissions of their respective states. The Model Code of Conduct is also applicable here.

Universal Adult Franchise

With the imposition of the 61st amendment of the India Constitution every adult citizen recognised by the constitution irrespective of their wealth, income, gender, social status, race, ethnicity, political stance, or any other restriction, subject only to relatively minor exceptions, has the right to vote.

Eligibility to contest Elections:

In accordance with article 84 of the Indian Constitution, any Indian citizen who is registered as a voter in the voting list and is above the age of 25 with clean criminal records can contest elections.

Self-corrective system

Because elections are a regular exercise, occurring every five years in India, the ruling parties are kept in check and made to consider the demands of the public. This works as a self-corrective system whereby political parties review their performance and try to appease the voters.

Constituencies

For the purpose of elections, India is divided into different areas, known as electoral constituencies. The voters who live in an area elect one representative. For Lok Sabha elections, the country is divided into 543 constituencies.

State Election Commission

The State Election Commission is an autonomous constitutional authority responsible for administering elections to the 3rd tier of governance i.e. the Local Self Government, which includes the Panchayati Raj Institutions and the Urban Local Bodies. In many states, the voters' list for the Panchayat and Municipality elections is different from the one used for Parliament and Assembly elections. Madhya Pradesh is one such state with a State Election Commission.

Effect of Imposition of Model Code of Conduct

Model Code of Conduct (MCC) is a set of guidelines applicable to political parties, candidates and Government agencies, to ensure free and fair elections. The MCC comes into force immediately on the announcement of the election schedule by the commission. The imposition of

the MCC refrains the Government from announcing any financial grants and laying foundation stones etc., of projects or schemes of any kind. The schemes are delayed till the completion of the election process, resulting in a deficit of Governance.

Expenditure

Holding elections at different times increases the cost of management to the election commission. A staggering budget of 55,000-60,000 crore Rupees was spent in the Lok Sabha elections, 2019, according to a study by the Centre for Media Studies (CMS). It is estimated that BJP itself spent 45 % of it. This also puts pressure on political parties, especially smaller ones, as elections are becoming increasingly expensive. Also, Holding elections at different times increases the cost of management to the election commission.

The Indian elections are possibly the most extensive electoral activity in the world. Over the years, with the help of the citizens, political parties and the Election Commission of India, elections in India have evolved. Steps are still needed to be taken for more free and fair elections.

Introduction to the Policy

Simultaneous elections mean elections to all the three tiers of the Constitutional institutions i.e. House of the People (Lok Sabha), State Assemblies (Vidhan Sabha) and Local bodies taking place in a synchronized manner. It means that a voter casts his or her vote for electing members to all the tiers of the Government on the same day. Simultaneous elections does not mean that voting across the country for the House of the People and all the State Assemblies takes place on a single day. For this policy to come to fruition several factors need to be examined-

Financial and Logistical Implications

Elections lead to huge expenditure by various stakeholders like the Government of India, State Governments, candidates conducting elections and political parties. Simultaneous elections will reduce the duplicity of work and expenditure. Simultaneous elections require more EVMs giving rise to another problem regarding their storage leading to demand for more number of secured and conveniently located warehouses and handling staff.

Political issues

Many parties have argued that the ruling party will become autocratic without any checks and balances, and it will dramatically shrink the choice of the electorate and national issues might eclipse the local ones. However, recent elections in Delhi and Odisha, for example, have shown that voters have matured and have voted separately in state and national constituencies. Another concern that has been expressed by various parties including the Communist Party of India (Marxist)¹ is that the concept itself is against the idea of democracy.

Any change from previous mode and method is bound to create some uneasiness but that the is not always bad as also reiterated by SC in Tamil Nadu Education Department Ministerial and General Subordinate Services Association & Ors. v. State of Tamil Nadu & Others. – “Once the principle is found to be rational the fact that a few freak instances of hardship may arise on either side cannot be a ground to invalidate the order or the policy”. Since India has a unique federal structure to change the election procedure, a unique and creative policy will need to be formulated.

¹ Sitaram Yechury submitted a note to the AIPPM in 2019 saying that One Nation One Election is “fundamentally anti-federal and anti-democratic”.

Issue with Synchronization and Result declaration

If the elections to different levels are conducted in one time mode that is simultaneously, then there might be a delay in the declaration of the results. The synchronization of the term of the Lok Sabha and that of the State Legislative Assemblies so that the election to both can be held within a given span of time would itself be a very tedious task.



Previous Discussions on One Nation One Election

Recommendations of the Law Commission of India

The Law commission in August 2018 suggested a series of amendments to incorporate the idea of One Nation One Election. The report mentioned the legal and constitutional changes that are demanded to conduct a simultaneous election.

The Law Commission highlighted that the policy cannot be implemented under the existing framework of the constitution. A set of amendments are demanded to conduct the Lok Sabha and the State Legislative Assemblies elections simultaneously. The amendments in the Representation of the People Act,1951 and the Rules of Procedure of Lok Sabha and State Assemblies were suggested to hold simultaneous elections.

The Commission's report highlighted and suggested that holding simultaneous elections would help save public money, reduce the burden on the administrative setup and security forces, and ensure that the administrative machinery is engaged in development activities rather than electioneering.

Election Commission on Conducting Simultaneous Elections

The responsibility of conducting elections in the country lies with the Election Commission of India. The logistical work carried out during the elections is also undertaken by the election commission.

After Prime Minister Narendra Modi proposed the idea of One Nation One Election in 2019, a month later the Chief Election Commissioner Sunil Arora said, "We are ready for that. After all broad amendments (in-laws) by the legislature, the Election Commission of India (ECI) is ready for the One Nation One Poll."

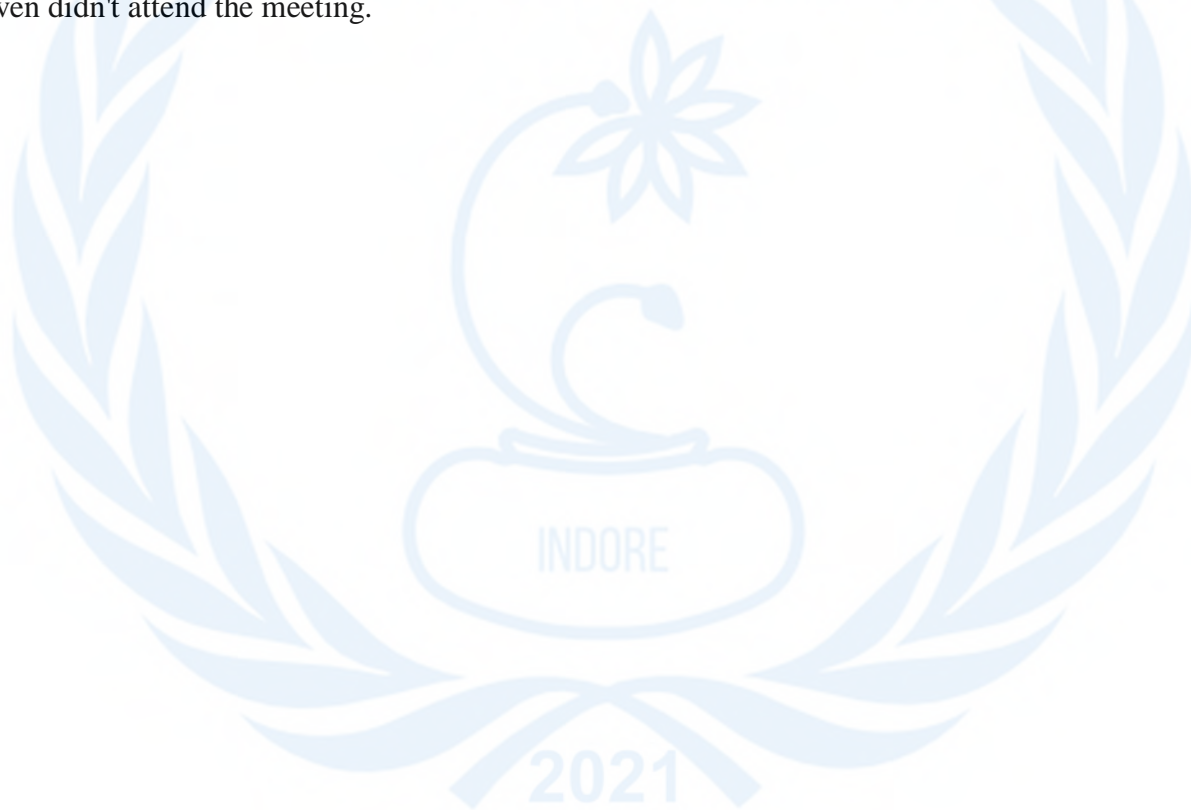
NITI Aayog on Simultaneous Elections

The premier policy think tank of the Government of India, NITI Aayog in 2018 had recommended simultaneous election. NITI Aayog suggested that the elections for Lok Sabha and

the State Legislative assemblies from 2024 should be synchronized and conducted in two phases. This recommendation was made to ensure minimum campaign which acts as a disruption to the governance.

Discussions In AIPPM 2019

Quite a few discussions on the policy of one Nation One Election were held in the AIPPM 2019 called by Mr Modi. Sitaram Yechury (a member of the Communist Party of India) said that the idea is the backdoor of replacing the parliamentary democracy of India. On the other hand, T.S. Krishnamurthy had the opinion that the idea is attractive but cannot be put into practice without a Constitutional amendment providing for a fixed tenure for legislatures. After the meeting ended, addressing the media, Mr Ram Nath Kovind informed that most of the parties supported the proposal of holding simultaneous elections however some parties opposed the idea and some even didn't attend the meeting.



Important articles/sections to review

To bring a reform in the current electoral system, certain articles need to be reviewed and then if deemed necessary amended.

- Article 85 and Article 174 of the Indian Constitution respectively deal with the dissolution of the Parliament and the dissolution of the State legislatures.
- The term of the Parliament is specified in Article 83 and the term of the state legislatures is specified in Article 172.
- Part IX of the Representation of People Act, 1951 deals with bye-elections to the House of the People and State Legislative Assemblies.
- Article 243E, 243U², 243K and 243ZA³ require a closer look.
- For further changes, the Tenth Schedule⁴, Rule 198 of Rule of Business in Lok Sabha⁵ and Article 324⁶ may be reviewed. Further inspiration may be taken from the Law Commission report of 1999 and the draft report of 2018.

Case Studies

USA

The USA has a federal and presidential system⁷ of democracy. Elections are held at the federal level, the state level and the local level, all on a single day i.e. Tuesday after the first Monday of November (called as the election day). Election day takes place every even year (eg. 2020,2022,2024) All officials in USA are practically directly elected⁸. At the federal level elections take place for 4 offices/bodies.

1.President- The term is 4 years. Recently in 2020, elections were held and so the next presidential election will be in the year 2024.

2.Vice-President- The term is 4 years. Elections for Vice-President are held along with the President and so the next election will be held in 2024.

3.House of Representatives- The term is 2 years and so the election is held every even year

² 243 E and 243 U deal with the local bodies

³ 243 K and 243 ZA describe the functioning of the State Election Commission

⁴ Deals with defection

⁵ Deals with No confidence motion

⁶ Deals with the functioning of the Election Commission

⁷ A government that divides up power between a national government and local governments and where the powers of the president are constitutionally separate from those of the legislature.

⁸ The President and the Vice- President are elected by the electoral college and the voters chose the electors who form the electoral college. But in practice it can be said that these elections are also direct as the electors typically promise in advance to vote for the candidates of their party (whose names of the presidential candidates usually appear on the ballot rather than those of the individual electors).

4.Senate- The senate has a system similar to the Rajya Sabha, it is a continuous body with one-third members retiring every 6 years.And so every even year elections for one-third members are held.

At the state level:

1.Governor- The term is 4 years and depending on the concerned state the election for governor is also held in an even year on Election Day.

2.House of Representatives- The term is 4 years and again depending on the concerned state it is held in an even year on the election day.

3.Senate- The term is just like the senate in the centre and the system for election is also the same.

If the President of the United States, resigns or is removed from office, he/she will be replaced in the following order:

1. Vice President
2. Speaker of the House

UK's Fixed Term's Parliament Act 2011

In 2011, the Fixed-term Parliaments Act (FTPA) set the length of time between general elections at five years - and transferred the power to call an early election from the prime minister to MPs. Before the Act came into force, parliament could be dissolved at any time by royal proclamation and or by virtue of the royal prerogative.

The Fixed-term Parliaments Act 2011 mandated a five-year period between elections and proscribed early elections except under special circumstances: (1) if a motion for an early general election is agreed upon either by at least two-thirds of the whole House of Commons or without division or (2) if a motion of no confidence is passed and no alternative government is confirmed by the House of Commons within 14 days. Previously Parliament was dissolved by the Queen, on the advice of the Prime Minister. Now Parliament can only be dissolved in accordance with the Act.

Simultaneous Elections In South Africa.

South Africa conducts a simultaneous election for the central and provincial governments held together at the same time. There are separate ballots for both governments. South Africa follows a multi-party system. Voters vote for a political party, not individuals. The political party then gets a share of seats in Parliament in direct proportion to the number of votes it got in the election. Each party then decides on members to fill the seats it has won. This is called a proportional representation (PR) voting system;

The national government makes and carries out laws and policies for the whole country. It is made up of:

- Parliament led by the Speaker
- National Government led by the President and Ministers

The provincial government makes and carries out laws and policies that affect the province only. It is made up of:

- Legislature (the laws of the country) led by the Speaker

Provincial Government led by the Premier and Members of the Executive Council (MECs)

Democratic national and provincial elections have taken place every five years starting in 1994.

The elections of the local bodies are 2 years away from the simultaneous elections

Municipal elections take place every five years.

A mixed or hybrid system, making use of both the ward system and the proportional representation (PR) system, is used for municipal elections.

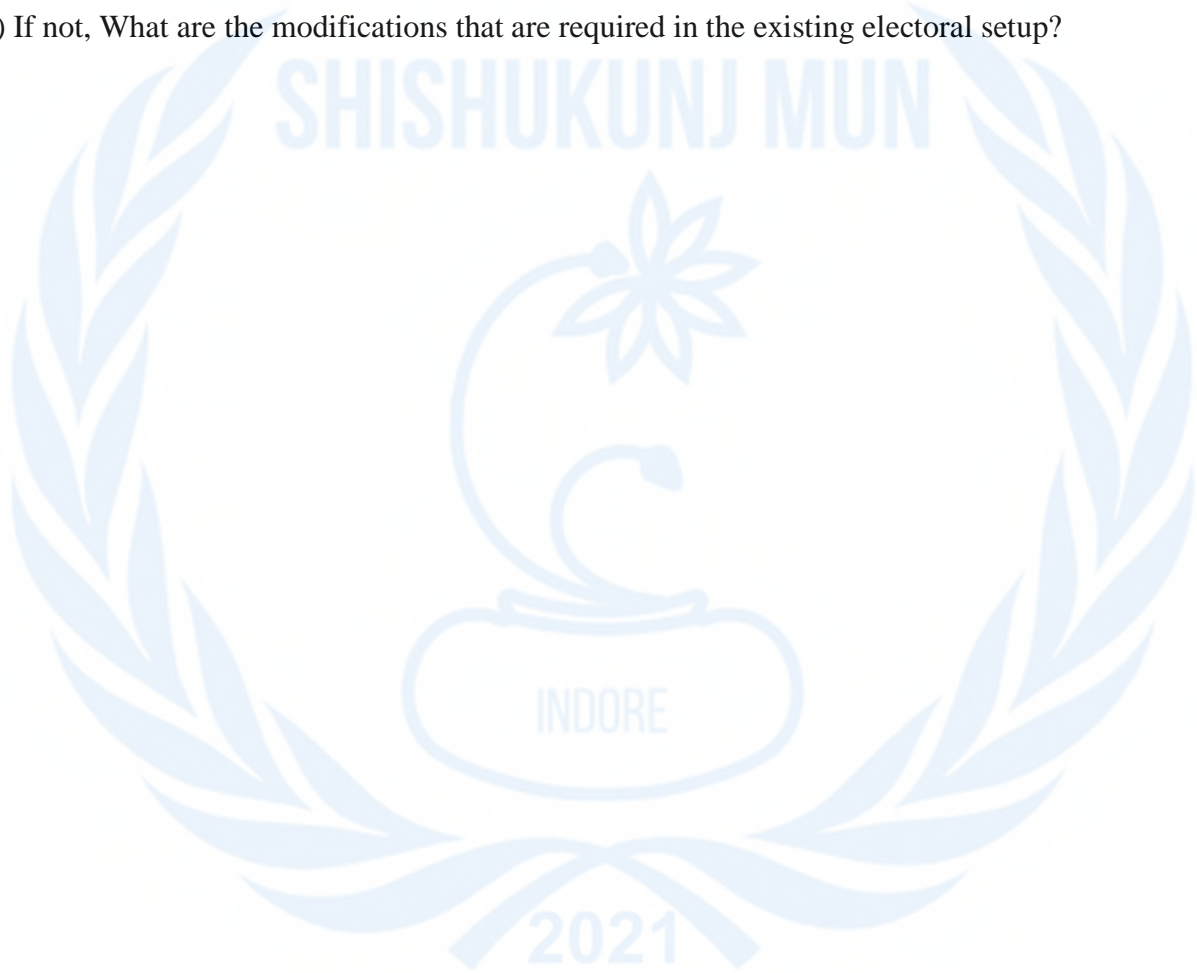
Conclusion

“The ballot is stronger than the bullet”- *Abraham Lincoln*. Elections form the bedrock of any democracy and are the biggest platform for the public to voice their opinions. The election system has undergone substantive changes in the last 70 years and it needs further reforms in order to keep up with the evolving nature of democracy in India. It is essential that the existing election setup is evaluated and consider the implantation of One Nation One Election as suggested and recommended by the law commission and NITI Aayog. In case the committee, as a majority, decides to not implement One Nation One Election, they will be expected to come up with their own Modified electoral setup and a draft resolution on the same.



Questions the Committee is Expected to Answer

- 1)Should One Nation One Election be implemented? Why or why not?
- 2)If yes, then how should it be implemented? If not, what is the alternative?
- 3)How will the transition from a 'Non- One Nation One Election' country to a 'One Nation One election' implemented country take place?
- 4) If not, What are the modifications that are required in the existing electoral setup?



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