



LOK SABHA

Letter From the Executive Board

Greetings Parliamentarians,

Firstly, we welcome you all to the House of the People (Lok Sabha) of Premia MUN 2023. We consider it our proud privilege to serve on the executive board of the very first edition of the MUN and hence we write this background guide to you hoping that it reaches you all in the pink of your health and gives you the best possible guidance. The agenda selected is of pivotal importance in the country and is something that is dominating the current affairs of the state.

Note that this background guide is only a document that provides you limited guidance and a direction to pursue your research and not the soul of the committee hence do not limit your research to the pages mentioned here. It is with great importance we appeal that this background guide was collectively prepared by the executive board members keeping in mind the diversity the Lok Sabha compliments hence this background guide is a compilation of various sources apart from the intellect of the executive board members and this document in no way reflects or represents the personal ideology of the Executive Board members or the members of the Secretariat of Premia. Kindly review and read through this document keeping in mind the foundational principles of the Indian Constitution and have a happy time researching. Looking forward to connecting with you all soon. Wishing you all the very best. Stay safe and don't let your guard down.

In case there are any doubts with respect to the agenda or any other concepts related to the agenda prior to the conference, feel free to get your doubts clarified via mail.

Regards,

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Introduction

Elections lie at the very heart of democracy. It is through elections that people in a democracy participate in public affairs and express their will. It is again through elections that power changes hands in a peaceful and orderly manner in a democracy and the authority of government gets clothed with legitimacy. Elections, thus not only sustain democracy but enliven it as well. Holding of free and fair election is, therefore, an essential of democracy.

India is both the largest and one of the most populous democracies in the world. This apart, in comparison to most of the developed democracies of the world, problems of illiteracy, poverty, etc. still continue in India as is the case with most of the developing countries. Its electorate is not only vast but also quite diverse reflecting the plurality of caste, religion, region, language, etc. of its social mosaic. Conducting periodic elections in the country by encouraging large-scale popular participation is a stupendous task. The Constitution entrusts the responsibility to supervise, direct and control the entire procedure and machinery for election and also for some other ancillary matters, on the Election Commission of India under Article 324.

Among all the countries liberated from the colonial yoke, India alone has earned the singular distinction of not only being the world's longest-functioning effective democracy but also of setting an example by conducting as many as seventeen free and fair general elections to the National Legislature, Lok Sabha and more than 350 elections to the State Legislatures. Successive elections have both enhanced and deepened the people's commitment to democracy. The election to the Lok Sabha being direct, the territory of India is divided into territorial constituencies for the election. At present, the allocation of seats in the Lok Sabha is based on 1971 Census and will continue to be so till 2026. Unless dissolved sooner, the term of the Lok Sabha is five years from the date appointed for its first meeting.

The total number of seats in the Lok Sabha is 545 at present. The 28 States elect 530 members of Parliament (LS) while the remaining 13 are added from the Union territories and two are nominated by the President as per provisions of Article 331 of the Constitution from the Anglo-Indian Community which was abolished in 2019. Provision also exists for reserved seats for Scheduled Castes and Scheduled Tribes. Since 1989, the size of the Lok Sabha increased from 544 to 545. The extra seat was the result of Goa becoming a State (on May 30, 1987)

History of Electoral Reforms in India

The need for electoral reforms was increasingly felt in the late 1960s in India. Till then the electoral system had functioned quite satisfactorily except for a few aberrations in the form of

some malpractices like rigging or violence which are rather small in number. There was one-party rule at the Centre and in most of the States. But this scenario began to change after the Fourth General elections held in 1967. Regional parties and rule by a coalition of parties began to emerge in the States. The emergence of alternative party governments in the State witnessed the accentuation of some of the negative traits and distortions in the political system which manifested themselves in a greater degree in electoral politics.

A parliamentary Committee was constituted for the first time in 1970 to suggest amendments to Election Law from all angles. But with the dissolution of Lok Sabha in December 1970, the life of this Committee also came to an end. Subsequent to the Constitution of a new Lok Sabha in 1971, Parliament formed a Joint Parliamentary Committee on Amendments to Election Law headed by Shri Jagannath Rao.

In subsequent years, a number of Committees viz. the Tarkunde Committee (1974), the Dinesh Goswami Committee (1990), V.K. Krishna Iyer Committee (1994), and the Indrajit Gupta Committee (1998) have been constituted to examine issues relating to electoral reforms. Apart from these, the Election Commission has also, from time to time, made proposals for reforms. Starting from 1970, the Election Commission submitted its recommendations on electoral reforms in 1977, 1982, 1990, 1992, and 2004.

This apart, political parties through the platform of all-party meetings have also suggested for electoral reforms. The Law Commission (i.e. the 15th Law Commission) was also constituted in November 1977 for an exhaustive study of the Representation of the People Act, 1951 with a view to finding out and identifying the measures necessary in the direction of electoral reforms. The Law Commission has submitted its 170th report regarding the reform of the Election System. In addition, Government has also initiated redemptive measures from time to time.

Simultaneous Elections (One Nation, One Election)

The term "Simultaneous Elections" can be understood as structuring the Indian election cycle in a manner that elections to Lok Sabha and State Assemblies are synchronized together. In such a scenario, a voter would normally cast his/her vote for electing members of the Lok Sabha and State Assembly on a single day and at the same time. To clarify further, simultaneous elections do not mean that voting across the country for Lok Sabha and State Assemblies needs to happen on a single day. This can be conducted in a phase-wise manner as per the existing practice provided voters in a particular constituency vote for both State Assembly and Lok Sabha on the same day

Simultaneous elections are not a new concept, as the Indian government has already tested it several times. After independence in 1951-52, India began its first elections for the Lok Sabha and the State Assembly at the same time. It was the norm until 1967. But later, due to the dissolution of some legislative assemblies in 1968 and 1969, problems appeared in the electoral system at the same time. In fact, Lok Sabha was dissolved in December 1970. Therefore, since the state legislature and parliamentary elections were held separately.

In 1983, the annual report of the Election Commission once again supported the idea of reverting to conducting polls at the same time. The Law Committee also mentioned the same in its 1999 report. In the past ten years, there have been many debates and discussions on this topic. In fact, the Lok Sabha poll in the Bhartiya Janata party manifesto in 2014 recommended simultaneous elections as a system. Prime Minister Narendra Modi once again proposed the idea of reintroducing it into Indian politics. The Niti Aayog too had prepared a working paper on the subject in the subsequent January 2017. In April 2018, another working paper of the Law Commission of India stated that at least "five constitutional recommendations" are necessary in order to reintroduce this system. However, so far, no final decision has been made on holding the elections at the same time.

Though there are many reports in this regard, two reports are very essential:

- 1) Draft Report on "Simultaneous Elections" prepared by the 21st Law Commission
- 2) Law Commission's 1999 Report on Reform of the Electoral Laws (Specifically Part VII of the report dealing with stability in governance)

Draft Report on "Simultaneous Elections" prepared by the 21st Law Commission:

The Commission noted that simultaneous elections cannot be held within the existing framework of the Constitution. Simultaneous elections may be conducted to Lok Sabha and state Legislative Assemblies through appropriate amendments to the Constitution, the Representation of the People Act 1951, and the Rules of Procedure of Lok Sabha and state Assemblies. The Commission also suggested that at least 50% of the states should ratify the constitutional amendments.

The Commission had suggested three alternatives to synchronize elections in India in 2019 but none of the recommendations were implemented. The Commission had also made some very interesting observations on 1) No Confidence Motion 2) Hung House/Assembly

- 1) The Commission noted that a no-confidence motion if passed, may curtail the term of Lok Sabha/ state assembly. It recommended replacing the 'no-confidence motion' with a

‘constructive vote of no-confidence’, through appropriate amendments. In a constructive vote of no confidence, the government may only be removed if there is confidence in an alternate government. It further suggested the option of limiting the number of such motions during the term of the House/ Assembly.

- 2) If no party secures a majority to form the government, it may result in a hung House/ Assembly. In order to prevent this, the Commission recommended that the President/ Governor should give an opportunity to the largest party along with their pre or post-poll alliance to form the government. If the government can still not be formed, an all-party meeting may be called to resolve the stalemate. If this fails, mid-term elections may be held. The Commission recommended that appropriate amendments be made to provide that any new Lok Sabha/Assembly formed after mid-term elections, will be constituted only for the remainder of the previous term, and not the entire five years.

The Report was considered in the second meeting of the 22nd Law Commission held on 29th November 2022. The 22nd Law Commission resolved that it should again seek the opinion of the stakeholders including national political parties, the Election Commission of India, Bureaucrats, academician, experts, etc. on the 6 questions put forth by the 21st Law Commission in its draft report as under:

(i) Will holding simultaneous elections, by any means tinker with the democracy, basic structure of the Constitution or the federal polity of the country?

(ii) The suggestions given by various Committees and Commissions to deal with the situation of hung Parliament / Assembly, where no political party has majority to form a government, propose that the Prime Minister / Chief Minister may be appointed or selected in the same manner as a Speaker of the House / Assembly is elected. Will it be possible? If so, will it be in consonance and in conformity with the Tenth Schedule to the Constitution?

(iii) Will such an appointment or selection of the Prime Minister / Chief Minister by consensus amongst the political parties / elected members require amendment to Tenth Schedule to the Constitution? If so, to what extent?

(iv) After detailed discussions, the Commission has come to the conclusion that holding simultaneous elections would be ideal as well as desirable, but a workable formula is required to be provided in the Constitution. What other Articles of the Constitution may require amendment(s)/insertion of new clauses or Articles, other than those discussed in the Draft Report?

(v) To hold simultaneous elections, is there any other issue(s) apart from those discussed in the Draft Report that would require elaborate study?

(vi) Do any of the suggestions/recommendations made in the draft report of the 21st Law Commission violate the constitutional scheme? If so, to what extent?

Keeping the above questions in mind, it is highly recommended that every participant tries to focus and research on the above questions.

Law Commission's 1999 Report on Reform of the Electoral Laws:

The 1999 report deals with a variety of issues. Though "Simultaneous Elections" as a separate chapter or idea in itself was not discussed in the report, the report dealt with issues related to maintaining stability in governance which is also an important factor to make sure that the country is not seen moving into elections before the stipulated time of 5 years.

The Report had suggested amending the rules of lok sabha which dealt with the motion of no confidence. The report states :

"In a parliamentary form of government, the government has no fixed term. Though its term is co-terminus with the life of the House, it can be defeated or it may fall, on many counts. For example, a defeat on a money bill or a cut motion will, according to conventions established in U.K. and followed in this country would oblige the government to resign. It is indeed a case of rendering accountability on a daily basis. At any time, the opposition can bring a no-confidence motion and if it is approved by the House, the government has to resign. In view of what has happened at the Centre in 1979, 1990 and in the recent years, it should make us all think of ways to avoid repetition of such situations. In 1999, in particular, the government was defeated on the 'confidence motion' moved by the government but no alternate government could be formed, making a general election inevitable within a span of 13 months. It has made us hold parliamentary elections almost every year. It is neither good for the country nor for the political parties. The governance and economy are the first casualties of such a transfiguration. There is a danger that such situations may lead to public disenchantment with the parliamentary form of government. There are already strident voices for changing over to a presidential form of government. We are, however, not going into the question whether a presidential form of government should be introduced by making the necessary changes in the Constitution. We are thinking of solutions within the existing constitutional system, though as we shall indicate

presently, it does mean abandoning some of the conventions governing the parliamentary form of government and which are being followed in this country too till now. We must clarify that the proposed amendment to the aforementioned Lok Sabha Rules does not violate any of the constitutional provisions, but it certainly means modification of certain conventions developed in U.K. and followed in our country since 1950”

In his article in the Hindustan Times dated 13.5.99, page 13, Shri Pran Chopra suggested a few electoral reforms. The first reform he has advocated is the innovation of simultaneous votes of no-confidence in the incumbent and confidence in the alternative. It would eliminate the need for a mid-term poll. He has opined:-

"That a government should seek a vote of confidence is an innovation, but justified by the very circumstances in which that government came into being, on the basis of written commitments of support, and the written withdrawal of one of them. But the proposed innovation of simultaneous votes of no-confidence in the incumbent and confidence in the alternative would be much safer. It would eliminate the need for a mid-term poll. It would also be more democratic, because it would shift the process of finding an alternative to the place where the process belongs, namely Lok Sabha. It would also restore to the President, in its fullness, his truer and greater function of being the trusted counsellor of the government, with the trust unimpaired by how the successor Prime Minister might have been chosen."

The Report also comes up with a recommendation to amend the Rules relating to the motion of no confidence which is as follows:

"Rule 198-A (1) Once a no-confidence motion is taken up for discussion and voted upon as contemplated by sub-rules (3) and (4) of Rule 198, no fresh motion expressing want of confidence in the Council of Ministers shall be permitted to be made for a period of two years from the date of voting upon such motion.

(2) Once a motion expressing confidence in the Council of Ministers is made pursuant to the direction of the President, no motion expressing want of confidence in such Council of Ministers shall be permitted to be moved for a period of two years.

(3) No leave shall be granted under Rule 198 to a motion expressing want of confidence in the Council of Ministers, unless it is accompanied by a motion expressing confidence in a named individual. Only the motion expressing confidence in a named individual shall be put to vote."

No doubt in a parliamentary democracy, a motion of no confidence plays a very important role. However, the question that the report raises is also a very important one. Can a motion of no confidence be moved against the government when there exists no other party or bloc in the house with enough numbers to form a government?

But another really important question also arises here is that when a government lacks confidence then why should it be allowed to continue under the garb of 'preserving stability' in governance?

Questions like these become very essential, especially in today's political context and it is expected that the participants try to raise questions like these and find their solutions through debate.

In today's age of social media, various forums, be it social sites such as Facebook, Instagram, Twitter or the fourth pillar of democracy- the media, all have created an environment of perpetual mudslinging. Increasingly exaggerated news are being sold in our homes through this forums. This factors have turned the elections in democracy into a farce. They have the potential to bend the wills of the peoples before they reach the gate of booths. This has caused so much changes in affairs of the democracy that democracy has become a burden. Necessarily therefore remedies need to be made. However not all factions of people favour the simultaneous polls. There are certain issues which mandate the disapproval from the others who are at stake. These differences needs to be addressed before the simultaneous poll can be brought in so as to bring a consensus on issue which is of high significance.

Arguments In Favour and Against Simultaneous Elections:

In Favour:

Almost all leaders of today's generation are bothered about just parliament and election, the trust of the people, as a corollary, has reached lowest of the peak. In a democracy slight scepticism is essential component, but how justified would it be, if it turns to outright aversion. With so much of frequent elections, ours has become a politics of rhetoric's and apathy raising ethnic tensions. And with elections being conducted too frequently the welfare policies in nation is always in standby mode

Every ruling party wants to ensure it remains in power and for that it has to provide good governance also. However too much of frequent election mode has kept the desire to retain the power on upper pedestal than the governance, which is of equal importance if not more. Therefore elections have paralysed the government most of the times especially due to Model Code of Conduct set during elections and other short time benefiting policies adopted to woo the voters.

I. Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the Commission; and

II. From the time elections are announced by Commission, Ministers and other authorities shall not –

- a. Announce any financial grants in any form or promises thereof; or
- b. (Except civil servants) lay foundation stones etc. of projects or schemes of any kind; or
- c. Make any promise of construction of roads, provision of drinking water facilities etc.; or
- d. Make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favor of the party in power.

The frequent policy paralysis which is occasioned due to the Model Code of Conduct Rules will also be reduced thereby leading to least disruptions to the government undertakings. It will enable better control of government over law and order issues. The time spent on election propaganda will also be minimised. More of such time can be dedicated to the social welfare of the people.

The expenditure on election to Lok Sabha is entirely borne by the central government, while those in relation to State assembly is borne by respective States alone. However when the election is conducted to both the State and the Centre, then both the governments share the expenses on 50:50 basis. Thus simultaneous polls will only help to reduce the huge tax money which is spent on holding elections. The simultaneous elections will also encourage less expenditure on behalf of the candidate as both the candidate for the Parliament as well as the State Assembly can poll expenses together along with the help of the party they are contesting from. This can also substantially reduce the seizure of cash, arms and ammunitions, liquors, drugs and other illegal items. In present times, many a candidates incur more than allotted amount specified by election commission, which they try withholding, thereby resulting into disqualification. It is of no surprise that candidates spend in excess of expenditure permitted by the election commission. In Uttar Pradesh election in 2017 alone around 1000 crore was spent towards 'vote for note' with nearly one third admitting to cash or liquor offer. In general

elections to Legislative Assemblies of Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand in 2017, BJP spent total amount of Rs. 2, 18, 25, 60, 603 meanwhile in similar elections in Meghalaya, Nagaland and Tripura, Indian National Congress spent an amount of Rs. 17, 86, 25, 426 in 2018. This are indeed, a huge amount.

There are many other reasons that are cited for advocating the idea of one nation one election, therefore, it is recommended that the participants refer the links to articles, papers and YouTube videos for further research.

Arguments Against:

- 1) Risk of misuse of the Constitution: There is a risk of the misuse of the Constitution whereby the Parliament and State assemblies might be dissolved prematurely for specific political gains. This will also violate Articles 83(2) and 172(1) of the Constitution which provides for a set term for the Lok Sabha and the Assemblies respectively.
- 2) There is a risk that it will benefit the party in power: In a scenario where the dominance and deployment of national issues are on the rise, the implementation of simultaneous elections has the potential of affecting the voting behavior of the voters whereby the important and specific state-level issues might get sidelined. The voter might end up voting for the same both at the Centre and the State. In this connection, IDFC institute has published a study where by it has argued that there is a 77% possibility of the voter voting for the same party at both the Centre and the State if simultaneous elections take place. The authors analyzed electoral data for four rounds of Lok Sabha elections- 1999, 2004, 2009 and 2014 and they chose states where the state elections coincided with the Lok Sabha elections. Interestingly, this fear is not totally unfounded as proved by India's electoral history itself. A look at the electoral scenario back in the 1960s (particularly the 1962 Lok Sabha elections) when simultaneous elections were in vogue, proves that it is the incumbent government which benefits the most.
- 3) It will be an operational nightmare: Implementation of simultaneous election can be an operational nightmare for the Election Commission and more importantly, holds the potential of severely undermining democratic fundamentals. Even after the conducting of phased election coupled with Election Commission's enormous efforts, there have been allegations of nepotism, highhandedness, and use of corrupt means in the elections. In such a scenario the obvious question which arises is whether it is feasible for the Election Commission to conduct simultaneous elections whose scale will be massive from the perspective of logistics, security, and manpower.

Though in its reply to the Law Ministry in May, 2016 the EC has supported the government proposal of simultaneous elections but it has cautioned the government of the enormous expenditure to execute this idea. There are two major issues involved in this process. First, there is a requirement of purchasing on a massive scale of Electronic Voting Machines (EVMs) and Voter Verifiable Audit Trail (VVPAT) machines. This according to the estimates of the EC would require a massive amount of 9,284.15 crores. In addition to this, there will be an additional cost to be incurred on replacing these EVMs after every 15 years. There will also be warehousing cost to store these machines. The second problem is regarding the availability of adequate manpower and security personnel for the effective conduct of the elections. That this is highly improbable and can lead to ineffective monitoring can be gauged from a simple fact. According to the Election Commission of India in the 2014 Lok Sabha elections, it required 10million personnel as polling officials across 9,30,000 polling stations. Apart from this, it required the help of 1349 Companies of Central Armed Police Forces (CAPFs). This gives us a fair idea of the magnanimous arrangement required to conduct simultaneous elections and raises severe questions regarding its feasibility.

- 4) Misuse of Article 356: There is a fear of the misuse of President's Rule by the Union Government. As seen in the judgment by the Constitutional Bench of Supreme Court of India in S.R. Bommai v. Union of India, the dissolution of State Legislative Assembly by the President of India is subject to the approval of both houses of Parliament. In a scenario where a particular political party has a majority in both the houses of Parliament, Article 356 can be grossly misused and it might act as a centrally sponsored toppling operation.
- 5) Further Discourages politicians from being accountable: Accountability of political representatives has been a major issue in Indian politics. Periodic elections somehow acted as a meeting point for the represented and the representatives which ensured some accountability. With the introduction of simultaneous elections, even this minimum accountability will get affected.
- 6) Challenges the 'Basic Structure' of the Constitution: The system of simultaneous elections will act detrimental to the 'basic structure' of the Constitution as it involves certain exercises which encroach upon the established federal principles defining the relationship between the center and the states. If this system is applied today then there is a risk of many features under the rubric of 'basic structure' getting violated, some primary among them being: the principle of separation of power, Federalism (including financial liberty of the states), etc. The fundamental right of the citizen to choose the

government will also be tampered with by the dissolving of the state assemblies for the sake of maintaining consistency and reducing expenses.

The people in opposition to this idea also argue that there is a lot at stake right from the fundamental ethos of the Constitutional provision of elections to the plurality of Indian Democracy and whatnot.

Reference links

Articles:

Against Simultaneous Elections:

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[Past Continuous: History Shows Simultaneous Polls for Parliament and States Is a Bad Idea \(thewire.in\)](#)

[Simultaneous Elections to Parliament and Assemblies is Not Good for Democracy \(thewire.in\)](#)

[Constitutional Experts Decry Modi's Call to Hold Simultaneous Polls to Parliament, Assemblies \(thewire.in\)](#)

In Favour

[Time to End the Vicious Cycle of Elections- The New Indian Express](#)

[One-nation-one-election is a long, nearly impossible shot. Here's the next best option \(swarajyamag.com\)](#)

[One Nation, One Poll: An Idea To Explore For Better Governance \(swarajyamag.com\)](#)

[Why We Need To Debate The 'One Nation, One Election' Idea Further \(swarajyamag.com\)](#)

Papers and Reports

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[Scope of One Nation One Election: A Feed forward Study on People's Perception \(ijsr.net\)](#)

YouTube Videos

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[\(483\) One Nation-One Election का Aam Aadmi Party क्यों कर रही है विरोध? | Atishi | Jasmine Shah - YouTube](#)

[\(483\) The one nation, one election proposal and the arguments for and against it | Let Me Explain - YouTube](#)

[\(483\) Why consensus on one country, one election is impossible | ep 193 - YouTube](#)

[\(483\) Perspective: One Nation, One Election | 28 March, 2022 - YouTube](#)