

Agenda: Evaluating the feasibility of One Nation, One Election.

Committee: All India Political Parties Meet (AIPPM)

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A note from the Moderators

On Behalf of the Executive Board members at GCMUN 2024, we, the Moderators at All India Political Parties Meet extend a warm welcome to each and everyone of you. The committee simulated here at GCMUN would most probably be like other simulations of the AIPPM, with a few modifications. The agenda at hand, as you know, is about having a pretty detailed deliberation on the feasibility of One Nation, One Election. As all of you know, the topic currently at hand, although being discussed at a 'Model' UN forum, neither does it demand impractical solutions, nor do we look for documentation that replicates currently existing frameworks that are in practice. As moderators, we shall not be allowing any volitions to the sacred norms established by the sacred Constitution of India and we expect (rather, demand) complete compliance with law and order. We expect all of you esteemed members, who will be taking part in this two-day meeting, to treat this as a real-time situation and keep in mind the responsibilities you have in mind as the representatives and leaders of the country. As the Moderators of this meeting, we look forward to delegates showcasing their political acumen, oratory skills, problem-solving abilities, and be curious to learn from each other, irrespective of age or experience. This document is simply an expectation-based document and research guide. It is the first form of communication between us moderators and you, delegates, and simply intends to provide a 'background' of the agenda at hand. Do not cite, quote, this document while debating. This document is just a first step to your research and the overall ambits of the same, extend a lot beyond this document.

We wish you all the best for the meeting.

Do not focus on winning, focus on learning, but put up a tough fight.

Regards.

Moderator: Dheer Kulkarni

Deputy Moderator: Iklavya Dev

Clarification on the AIPPM rules of procedure

For all seasoned MUNers, and first-timers, the All India Political Parties Meet is not a constitutionally mandated committee. The closest mandate that is similar to the All India Political Parties Meet is the Inter-State Council which is a recommended body to establish communication with the central government and state governments to ensure the idea of cooperative federalism and establish peace and harmony in the nation. If at any time it appears to the President that public interests would be served best, they may call for the establishment of the Inter-State Council, under Article 263 of the Constitution.

I want all of you to note that this committee will not follow the UN/USA rules of procedure or any complicated procedural formats. We shall be having opening statements, moderated discussions, unmoderated breaks and if required, the EB shall introduce engaging forms of debate to cover the topic more comprehensively. The sessions of our meeting shall be either public or private, depending upon the flow of the committee and the flow of debate at hand. Modifications in the rules of procedure can be made by the EB, however we shall inform the delegates about the same beforehand.

Constitutional Definition of Elections in India

The electoral framework in India is built on a foundation of constitutional provisions and key legislative acts. These include the Constitution of India (1950), the Representation of the People Acts (1950 and 1951), the Indian Penal Code (1860), and the Delimitation Act (1972). Together, these form the legislative and administrative backbone for conducting elections nationwide. While Article 328 of the Constitution allows state governments to enact election-related laws, their legislative efforts have been limited. State laws primarily focus on creating positions that are not considered offices of profit and do not disqualify individuals from becoming legislators. This approach ensures that state legislation complements the broader electoral system established by national laws and constitutional provisions, creating a comprehensive framework for managing elections at all levels of government across India.

Articles 52-71 primarily deal with the President and Vice President of India. Article 52

establishes the office of the President of India. Articles 54-58 cover the election of the President. The President is elected by an electoral college consisting of elected members of both Houses of Parliament and Legislative Assemblies of states. The election uses proportional representation by means of single transferable vote. Qualifications for becoming President include being a citizen of India, at least 35 years old, and being qualified to be elected as a member of the Lok Sabha. Articles 59-62 detail the President's term of office, eligibility for re-election, and procedures for removal. Articles 63-71 cover similar provisions for the Vice President, including election process, qualifications, and term of office.

Articles 80, 81, 83 and 84 pertain to the composition and membership of Parliament. Article 80 deals with the composition of the Rajya Sabha (Council of States). Article 81 covers the composition of the Lok Sabha (House of the People), including allocation of seats to states and union territories. Article 83 specifies the duration of Houses of Parliament (5 years, unless dissolved earlier). Article 84 lays out qualifications for membership of Parliament, including citizenship, age requirements, and other conditions as prescribed by law.

Articles 101 and 102 address vacation of seats and resignation of members of Parliament. Article 102 outlines disqualifications from membership, including holding an office of profit, being of unsound mind, being an undischarged insolvent, or acquiring citizenship of a foreign state.

Articles 168 to 173 deal with state legislatures. Article 168 establishes the legislature in states. Articles 169-173 cover various aspects of state legislatures, including abolition or creation of legislative councils, composition of legislative assemblies, duration of state legislatures, and qualifications for membership.

Article 190 deals with vacation of seats in state legislatures. Article 191 outlines disqualifications from membership in state legislatures, similar to those for Parliament. Article 192 addresses the decision-making process on questions of disqualification of members.

Article 324 is crucial as it establishes the Election Commission of India and vests it with the power of superintendence, direction, and control of elections. Article 326 mandates adult suffrage, stating that elections to the Lok Sabha and state legislative assemblies are to be based on adult suffrage (every citizen over 18 years of age has the right to vote).

Article 329 bars courts from interfering in electoral matters. It states that no election to Parliament or a state legislature can be called into question except by an election petition presented to such authority and in such manner as provided by law.

Equitable representation of interests, and reservations

The Lothian Committee Report of 1932 was the first to talk about simultaneous elections. In contemporary times, the Niti Aayog report authored by Bibek Debroy and Kishore Desai, and The High-Level Committee Report headed by Ex-President Shri. Ram Nath Kovind are two important sources of information on the simultaneous elections.

The idea of the 'One Nation, One Election' is one that dates back to the Constitutional Assembly Interim Government of 1947 to 1951, post which India had simultaneous elections till 1967. Between the October of 1951 and the February of 1952, the General elections and Vidhan Sabha elections were finished. Keeping in mind that Article 83 and Article 172 state the tenure of the Lok Sabha and Vidhan Sabha to be 5 years unless the houses are dissolved, this cycle would continue. However, this cycle was first slightly disturbed, when Indira Gandhi unconstitutionally toppled the Communist government in Kerala in 1959, only three years after its creation under the Reorganisation of States Act of 1956.

Powers and Responsibilities

India, as a quasi-federal polity, has a division of powers between the States and the Centre. The Seventh Schedule has three lists; State, Central, and Concurrent. Items in the Central List (97) are the responsibility of the Union Government, items in List II (66) are the responsibility of the Central Government, and items under the Concurrent List (47) are dealt with by both the Central and State Government. The idea behind Simultaneous elections is to have elections for one particular constituency on one day itself. There are various pros and cons that have to be gauged before we can implement the same.

A modern day take on One Nation One Election

Elections are conducted on various levels in India. The Lok Sabha is elected directly, the Rajya Sabha, President, and Vice President are elected indirectly on the Central level. Legislative

assemblies (28 states and 3 Union Territories) are elected directly, and Legislative Councils(6 states) are elected indirectly on the federal level. Post the 73rd and 74th Amendment Acts, the local self-governments are also elected in the form of Panchayats (Rural) and Municipalities (Urban). The union and state elections are carried out by the Election Commission in accordance with Article 243 of the Indian Constitution and the local government elections are conducted by the State Election Commission under Articles 243K and 245ZA. Considering the vastness of India along with this prevalent tiered governance system, it is observed that most of the time, at any given point in time, elections are being conducted in some region of the nation. This structure also causes the voter to leave his home multiple times, for the Lok Sabha, Vidhan Sabha, and local government elections. There are multiple hassles involved in the process, and to get rid of a few of them, the idea of ‘One Nation, One Election’ has been a solution that has been proposed by the ruling party, Bharatiya Janata Party.

The Prime Minister has the power to dissolve the Lok Sabha, and hold fresh elections under Article 85 of the Indian Constitution. Mrs. Gandhi used this power to conduct the elections in 1971, a year earlier than what it should have been post-1967. Later on, her tenure was again extended by a year till 1977 owing to the proclamation of national emergency. In 1977, the Janata Party formed a government under the helm of Shri Morarji Desai which again was dissolved in 1979. Subsequently, Mrs. Gandhi again returned to office and stayed in power until her demise in 1984. The wave of sympathy was strong, and the winds favoured Mr. Rajiv Gandhi. The Congress decided to hold the elections 3-4 months before the usual election time by dissolving the government. This era of Indian politics continued till 1999. The age of ‘Coalition politics’, The **‘Aaya Ram Gaya Ram’** era is characterised by political volatility and quite an unbelievable amount of defection, which disrupted the synchronisation of the elections. Atal Bihari Vajpayee’s tenure of 5 years from 1999 to 2004 was the first full tenure of a non-congress Prime Minister post which the UPA (2004 to 2009, 2009 to 2014) and NDA (2014 to 2019, 2019 to 2024) governments ran smoothly on track. This era of stability, at least tenure-wise, has brought about a demand for simultaneous elections due to its various benefits.

It would not be far-fetched to conclude that India is in election mode, around the year. The high frequency of electoral cycles is highly detrimental to the developmental and administrative goals of the nation. In due adherence to the ‘Model Code of Conduct’, only routine, general administrative activities are carried out, from the date of announcement of election dates till the

end of the elections. This prevents the government from working on special welfare schemes, new developmental projects, and such. According to the 79th report of the Parliamentary Standing Committee, frequent elections cause **policy paralysis and governance deficit**, owing to the imposition of the MCC for prolonged periods of time. In 2019, apart from the general elections, 7 states, namely, Jharkhand, Maharashtra, Arunachal Pradesh, Andhra Pradesh, Odisha, Sikkim, and Haryana, saw their Vidhan Sabha elections. 2 Vidhan Sabha elections in 2020, 5 in 2021, 7 in 2022, and 4 in 2023 were conducted and keeping in consideration the applicability of MCC for an average time of 2 months, a substantial amount of time passes away, with weighty underutilisation of the tenure.

This proposition of 'One Nation, One Election' has the potential to enrich the very fabric of the Indian nation, and promises to illuminate and strengthen the diverse tapestry of the Indian State. This solution works, as can be seen in the electoral policies of the U.S.A. where elections for the President, the Vice-President, The Senate and the House of Representatives on the national level, the Federal elections for the Governor and the State Senate and House of Representatives and referendums all take place in a synchronised manner. There should be a consensus amongst parties to engage in this policy, so as to not have a trust deficit. The implementation of the policy requires certain amendments in the constitution. Article 83 and 174 give the Prime Minister and Chief Minister powers to dissolve the house. Instead, a policy similar to the UK can be implemented, wherein a special bill has to be passed with a special majority to dissolve the house. If the dissolution of the houses is the only legal way to move forward, be it Lok Sabha or State Assembly, the government formed after the elections should only be in power for the remainder of the tenure, as is the case with Municipalities and Panchayats, to keep the simultaneous elections synchronised. The Green book would also have to be amended, to replace the Indian vote of no-confidence with a German inspired constructive vote of confidence, by which, the house would replace the leader of the house after the successful no-confidence motion. With stricter anti-defection laws and a more defined Central and State Election commission relationship, the exploited loopholes can be dealt with more easily. To begin with the process, arguably by 2029, there will be one-time temporary terms for different states. Some states will have to extend their tenures, while some will get cut short. Regardless, the pros of the proposition, by far outweigh the cons. The negatives can be dealt with, and it is upon the civil society of India, to assume a bolder, more rightful role in the process and with the right mindset and a consensus amongst political parties, the democratic ethos of the nation shall be strengthened.

Links to refer to

1. Constitution of India <https://l1ddashboard.legislative.gov.in/sites/default/files/COI...pdf>
2. Election Commission of India, <https://observerseci.eci.nic.in/>, (last visited Feb. 27th, 2024).
3. Election Commission of India, <https://old.eci.gov.in/>, (last visited Feb. 25th, 2024).
4. Drishti IAS, <https://www.drishtias.com/>, (last visited Feb. 24th, 2024).
5. Bibek Debroy and Kishore Desai, ANALYSIS OF SIMULTANEOUS ELECTIONS : - THE “WHAT”, “WHY” AND “HOW” (2017),
https://legalaffairs.gov.in/sites/default/files/simultaneous_elections/NITI_AYOG_REPORT_2017.pdf
6. Council of Europe. 'The Compass - Compendium of Council of Europe treaty monitoring bodies'. Council of Europe coe.int (February 19, 2024).

7. Gauba, O.P. ‘ *An introduction to Political Theory*. 9th edn. 594- 623, (National Paperbacks 2021).
8. <https://onoe.gov.in/>
9. <https://www.ndtv.com/india-news/lok-sabha-election-2024-news-one-nation-one-election-explained-what-is-it-how-can-it-work-5236599>
10. <https://www.livemint.com/news/india/is-one-nation-one-election-unconstitutional-key-challenges-legal-logistic-explained-but-many-questions-remain-11710521753243.html> 11. <https://www.hindustantimes.com/india-news/one-nation-one-election-kovind-panel-report-set-to-be-placed-before-cabinet-at-the-earliest-101718362665234.html>