

Honourable Members,

Greetings!

It gives us immense pleasure to be welcoming you to the simulation of the Lower House of the Indian Parliament, the Lok Sabha at the BSPMUN, 2018.

In this edition of BSPMUN, Lok Sabha is going to be simulated to discuss on the issue of **“Electoral Reforms in India”**, an issue that the Central Government along with several other relevant institutions have been trying to work upon.

As a matter of fact, we have decided to send all the representatives a set of reference documents explaining the agenda from a general perspective. As much as this agenda needs to be addressed unanimously, policies of respective parties and states need to be taken into account. Kindly do ample amount of research pertaining to the Portfolio you are representing and the policies of the party with respect to the above cited agenda.

Note, however, that the documents contain only background information as per the agenda, and it should only be the starting point of your research. It will take a lot more than this to survive in council and we encourage you to do as much of your own research before and during the conference in order to keep up.

Feel free to approach us or the Secretariat with any queries that you may have regarding the council, once you have gone through the documents. We wish you all the very best of luck and we're sure we speak for BSPMUN, 2018 Secretariat as well when we say that we look forward to seeing you all in Pilani soon.

Regards,

Chayan Sharma

Speaker

Samiksha Johri

Deputy Speaker

Prerequisite reference document and necessary readings

About Lok Sabha

<http://loksabha.nic.in/>

Committees of Lok Sabha

<http://164.100.47.194/Loksabha/Committee/CommitteeHome.aspx>

Types of questions

<http://164.100.47.194/Loksabha/Questions/TypeOfQuestions.aspx>

Procedure to be adopted

<http://mpa.nic.in/MPA/Pdf/ypc.pdf>

Model List of Business

<http://mpa.nic.in/MPA/Pdf/ypbusiness.pdf>

Model Debate

<http://mpa.nic.in/MPA/Pdf/ypdebate.pdf>

Sitting Members of the house

<http://164.100.47.194/Loksabha/Members/AlphabeticalList.aspx>

Electoral Reforms in India

Why in News-

1. **Bringing Political parties under the ambit of RTI act.**
2. **Conducting elections for Union and state legislatures at the same time.**
3. **Law Commission of India's Report on Electoral Reforms headed by-A.P. Shah.**
4. **Time and again debated over the print and electronic media**

India is the largest Democracy in the World. Elections are the most important and integral part of politics in a democratic system of governance. Democracy can function only upon this faith that elections are free and fair and not manipulated and rigged. But for certain reasons, system of Democracy is not working properly and common man feels that there is something wrong in the Electoral process.

While the first three general elections (1952-62) in our country were accepted by and large free and fair, a decline in standards began with the fourth general election in 1967. Over the years, Indian electoral system suffered from serious maladies'. Thus, the election process in our country is considered as the basis of political corruption.

The ideal conditions require that an honest, and upright person who is public spirited and wants to serve the people, should be able to contest and get elected as people's representatives. But in actual fact, such a person has no chance of either contesting or in any case winning the election

MAIN ISSUES IN ELECTORAL POLITICS OF INDIA –

The elections at present are not being held in ideal conditions because of the enormous amount of money power and muscle power needed for winning the elections. In addition there are many other factors on the basis of which election is fought like poverty, casteism, communalism, criminalization of politics, poll violence, booth capturing, non-serious independent candidates, unemployment, etc

Money power– In each constituency, a prospective candidate has to spend millions of rupees towards campaigning, transport, publicity etc. The gap between the expenses incurred and legally permitted is increasing over the years.

Muscle Power– use of Violence, pre-election intimidation, booth capturing are mainly the products of muscle power and are prevalent in many parts of the country like Bihar, Western UP etc. and is slowly spreading to south India.

Criminalisation of politics and politicization of criminals– are like two sides of the same coin and are mainly responsible for the manifestation of muscle power at elections.

Politicization of criminals: criminals enter into politics to gain influence and ensure that cases against them are dropped or not proceeded with. Also, The political parties field criminals in elections for fund and in return provide them with political patronage and protection

Misuse of Government Machinery: It is generally complained that the government in power at

the time of election misuse official machinery to improve their candidates election prospects .The misuse of official machinery takes different forms, such as use of government vehicles for canvassing ,advertisements at the cost of government and public exchequer highlighting their achievements, disbursements out of the discretionary funds at the disposal of the ministers, etc. which gives an unfair advantage to the ruling party at the time of elections.

Non serious Independent candidates -.Non-serious candidates are largely floated by serious candidates either to cut sizeable portion of votes of rival candidates or to split the votes on caste lines or to have additional physical force at polling station and counting centres

Casteism: there are cases of certain castes lending strong support to particular political parties. Thus political parties make offers to win different caste groups in their favour and caste groups also try to pressurize parties to give tickets for its members elections, . Caste based politics are eroding the „unity“ principle in the name of regional autonomy. Thus caste as become a prime factor in winning elections and Candidates are selected not in terms of accomplishments, ability and merit but on the appendages of caste, creed and community

Communalism: the politics of communalism and religious fundamentalism during post-independence has led to a number of separate movements in various states and regions of the country. Communal polarization has posed a serious threat to the Indian political ethos of pluralism, parliamentarianism, secularism and federalism.

Lack of Moral Values in Politics: Gandhian values of selflessness service to the people and self sacrifice have been destroyed systematically over the years and both the politicians and political parties have lost their credibility,.

According to Seetharam Yechury(MP) the 4 C's in Indian politics, -Corruption, Crime, Communalism and casteism

It is crime which manifests itself in all the other factors)

- a. Corruption is a crime,
- b. dividing people along communal lines and spreading hatred in society is a crime,
- c. Suppressing members of the lower caste is also a crime.

Therefore crime is the common factor among all these C's.

Some major reforms taken –broadly classified as pre-2000 and post- 2000

The reports of various election reform commissions and a number of formal and informal group discussions at various forums and by individuals, have categorically pointed out the defects in the electoral system and came out with some useful suggestions. Yet the problems remaining to be as critical and challenging as ever.

However, government has accepted recommendations of many commission reports only partially. some of the important committees are-the Dinesh Goswami Committee on electoral reforms1990,

committee on criminalization of politics by Vohra, committee on state funding of elections by Indrajith Gupta, subsequent reports by the Law Commission, Election Commission, National

commission to review the constitution headed by the M N Venkatachaliah, second ARC on ethics in governance headed by Veerappa Moily, Law Commission report headed by A P Shah 2015.

Reforms pre 2000

1. **Lowering of Voting Age:** The Constitution (Sixty-first Amendment) Act, 1988 reduced the voting age from 21 years to 18 years for the Lok Sabha (house of the people) and state assembly elections. This has given the youth of the country an opportunity to participate and express their feeling in political processes.
2. **Deputation to Election Commission:** officers or staff engaged in preparation, revision and correction of electoral rolls for elections shall be deemed to be on deputation of Election Commission for the period of such employment and these personnel during that period, would be under the control, superintendence and discipline of the Election Commission.
3. **Increase in Number of proposers:** Number of electors required to sign as proposers in nomination papers for elections to Council of States (Rajyasabha) and State Legislative Council has been increased to 10% of the electors of the constituency or ten such electors, whichever is less mainly to prevent frivolous candidates.
4. **Electronic Voting Machine:** Electronic Voting Machines (EVMs) were first used in 1998 during the State elections of Rajasthan, Madhya Pradesh and Delhi. EVMs have been widely used in the sixteen Lok Sabha Elections in 2015 as they are fool proof, efficient and eco-friendly (limited use of papers)
5. **Booth Capturing:** EC may either declare the poll of the particular polling station as void and may appoint a date for fresh poll or countermand election in that constituency because of booth capturing. Booth capturing has been defined in Section 135 A of the RPA 1951 as seizure of a polling station and making polling authorities surrender ballot papers or voting machines, seizure of the polling place, threatening and preventing voters, taking possession of polling stations etc Election Commission on such report may
6. **Disqualification on Conviction for Insulting the National Honors Act, 1971:** shall lead to disqualification for contesting elections to Parliament and State Legislatures for a period of six years from the date of such conviction
7. **Increase in Security Deposits and Number of Proposers:** The amount of security deposit which a candidate needs to deposit at an election to the Lok Sabha or a State Legislative Assembly has been enhanced to check the multiplicity of non-serious candidates. In the case of an election to the Lok Sabha, the security deposit has been increased to Rs. 10,000 for the

general candidate and to Rs. 5,000 for a candidate who is a member of a Scheduled cast/tribe. In the case of elections to a State Legislative Assembly, the candidates will have to make a deposit of Rs. 5,000 if they are general candidates and Rs. 2,500 if they belong to a Scheduled Caste or Scheduled Tribe respectively.

Proposers-The amended law further provides that the nomination of a candidate in a Parliamentary or Assembly constituency should be subscribed by 10 electors of the constituency as proposers and if the candidate has not been set up by a recognised National or State Party.

The number of proposers and seconders for contesting election to the office of the President of India has been increased to 50 each from 10 and; number of electors as proposers and seconders for contesting Vice-Presidential election has increased to 20 from 5. The security deposit has been increased to Rs. 15,000 from Rs. 2,500 for contesting election to the offices of President and Vice-President to discourage frivolous candidates.

8. **Restriction on Contesting Election from More than Two Constituencies:** A candidate is eligible to contest election from not more than two Assembly or parliamentary constituencies at a general election or at the bye-elections which are held simultaneously. Similar restrictions will apply for biennial-elections and bye-elections to the Council of States (Rajyasabha) and State legislative councils.
9. **Death of a contesting Candidate:** Previously, the election was countermanded on the death of a contesting candidate. In future, no election will be countermanded on the death of a contesting candidate and If the deceased candidate, however, was set up by a recognized national or State party, then the party concerned will be given an option to nominate another candidate within seven days of the issue of a notice to that effect to the party concerned by the Election Commission.
10. **Prohibition with respect to Going Armed to or Near a Polling Station:** is a cognizable offence punishable with imprisonment up to two years or with fine or with both.
11. **Paid Holiday to Employees on the Poll day:** violation of this amounts to a fine up to 500rs
12. **Prohibition on Sale of Liquor:-** No liquor or other intoxicants shall be sold or given or distributed at any shop, eating place, or any other place, whether private or public, within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll. The violation of this rule is punished with imprisonment up to 6 months or fine up to Rs 2000 or both
13. **Time Limit for Bye-elections:** Bye-elections to any House of Parliament or a State Legislature will now be held within six months of occurrence of the vacancy in that House. but, this stipulation will not apply in two cases- where the remainder of the term of the member whose vacancy is to be filled is less than one year or where the Election Commission, in consultation with the Central Government, certifies that it is difficult to hold the bye-election within the said period.

14. **The effective campaigning period** –has been reduced. The gap between the last date for withdrawal of nomination and the polling date has been reduced from 20 days to 14 days

Reforms since 2000

Restriction on exit polls–exit poll is an opinion survey regarding how electors have voted etc. Thus conducting exit polls and publishing results of exit polls during the election to the Lok Sabha and state legislative assemblies during the period notified by the election commission shall be punishable with imprisonment up to 2 years and with fine or both.

Ceiling on election expenditure– ceiling on election expenditure for a Lok Sabha seat has been increased to 40 lakhs in bigger states and it varies between 16 to 40 lakhs in other states and union territories. Similarly, ceiling on election expenditure has been increased in assembly elections to 16 lakhs in bigger states and it varies between 8 to 16 lakhs in other states and union territories.

Appellate authority– appellate authority within the district is before the district /additional district magistrate/officer of equivalent rank against the orders of the electoral registration officers instead of chief electoral officer of the state and appeal against the order of district magistrate will now lie before the chief electoral officer.

Voting through postal ballot– allows government servants and certain other class of persons to vote via postal ballot following the Election Commission's consent.

Voting rights to citizens of India living abroad – for employment, education etc, who has not acquired the citizenship of any other country and has his name registered in the electoral roll of a particular constituency (place of his residence) can vote.

Awareness Creation– to encourage more young voters to take part in the electoral process. The **Government of India** has decided to celebrate January 25th of every year as '**National Voters Day**'. It started from January 25, 2011 to mark Commission's foundation day.

To report contributions– Political parties need to report any contribution in excess of Rupees 20000 to the EC for claiming income tax benefit.

Others–

Creation of a fully computerized database of electors, comprehensive photo electoral roll; de-duplication technologies to eliminate bogus and duplicate entries.

Video recording of the polling and counting procedures, The Commission developed a system of online communication (COMET) that made it possible to monitor every polling booth on the day of election. Real time monitoring of polling booths using GPS and a web-enabled facility through the Google search engine.

The Model Code of Conduct for the guidance of political parties and candidates (1990)

Requisition of staff for election duty from other government institutions to compensate manpower and fair conduct of elections

Facility to vote through Proxy (armed forces people),

Reduction of effective campaigning period to check malpractices

Free supply of electoral rolls to the candidates of the recognized political parties for the Lok Sabha and Assembly elections,

Allocation of time on electronic media to address public, based on past performances of the recognized political party, exemption of travelling expenditures during elections etc

Declaring of criminal antecedents ,assets etc by the candidates and declaring false information in the affidavit is now an electoral offence punishable with imprisonment up to 6 months or fine or both etc.

Issues in news with respect to electoral reforms-

1. **Political Parties under the ambit of RTI act**-In India Political parties seek to represent the people and to take decisions on their behalf. But they have so far resisted attempts to be listed as “public authorities” under the [RTI Act](#) and thus be made liable to publicly disclose financial assets. I

In conducting their financial affairs in an opaque manner, some parties have been able to hide their sources of funding, and the extent of their assets and financial holdings Although parties have to declare to the Election Commission all donations in excess of Rs.20,000 they receive, they resort to under-reporting to evade this clause. Most of the donations are shown as having come in smaller sums.

Thus, requiring political parties to open up their financial transactions, the donations they receive and the expenses they incur, to public scrutiny is imperative to bring down levels of

corruption and make them more accountable

2. **Conducting elections for Union and state legislatures at the same time**– Currently in India approximately 2 to 3 states go for elections every year which has following consequences
 - (a) It undermines the working of the union government in power which may not take tough decisions due to the fear of a backlash in the next round of assembly election.
 - (b) It will also curtail election expenditure which are un-necessary. The arrangement of simultaneous elections can be extended to the elections for the municipal corporations and other Panchayat Raj institutions.
3. Supreme Court recently sought the government’s response to an application on allowing **inter-State migrants the same voting privileges**, like postal ballot, accorded to government servants as the number of migrants within the country is “staggering.
4. In 2013 [the Supreme Court had directed the EC to provide the NOTA option \(NONE OF THE ABOVE\)](#) on ballot papers and EVMs. Earlier Voters had to register their option of NOTA in a register under Rule 49-O of the Conduct of Election Rules, thus compromising secrecy

“For democracy to survive, it is essential that the best available men should be chosen as representatives of the people for proper governance of the country. This can be best achieved through men of high moral and ethical values, who win the elections on a positive vote. “Thus in a vibrant democracy, the voter must be given an opportunity to choose none of the above button and also will compel the political parties to choose a sound candidate. This situation palpably tells us the dire need of negative voting,” – The honorable Supreme court

5. **Supreme Court judgement on filling all columns in election affidavit**– it is obligatory for the Returning officer to check whether the information required is fully furnished. if any of the columns is left blank by a candidate, a notice to complete the affidavit will be given by the Returning Officer and If the candidate fails to do so despite the notice, his nomination paper is liable to be rejected at the time of scrutiny.
6. The Election Commission will now deploy ‘**awareness observers**’ -to oversee measures for voter facilitation with a view to motivate voters and increase voter turnout. Awareness observers will be deployed in two phases of seven days each who will monitor steps being taken by the election machinery to bridge the gap in people’s participation in the voting process.

Law Commission Report on Electoral Reforms headed by A.P. Shah.

Wide Ranging Reforms Proposed- After extensive and in-depth analysis of various issues by the commission and due consideration and deliberations with the stake holders including of registered national and state political parties suggested a very comprehensive measures for changes in the law

The Main focus– (1) Curbing criminalization of politics and needed law reforms’; and

(2) Consequences and impact of candidates filing false affidavits and needed law reforms to check such practice’..

Some of the reforms suggested are as follows in

brief-1. Election Finance-

The Commission does not consider a system of complete state funding of elections or matching grants to be feasible, given the current conditions of the country. Instead, it supports the existing system of indirect in-kind subsidies, with section 78B of the RPA being possibly amended in the future to expand these subsidies

- a. Regulating the election expenses incurred or authorized by candidates or their election agents-currently extends from the date of nomination to the date of declaration of results. This period should be extended from the date of notification of the elections to the date of declaration of results

b. Contribution from the company's funds to a political party should be decided at the company's Annual General Meeting (AGM) instead of its Board of Directors.

c. Political parties should be required to maintain and submit annual accounts, duly audited by a qualified chartered accountant. These accounts will fully and clearly disclose all the amounts received by the party and the expenditure incurred by it. The ECI will then upload these accounts online or keep them on file for public inspection on payment of fee.

d. "statement of election expenditure" to be filed by every party with an EC, contesting an election within 75 days of the Assembly elections and 90 days of the General elections election;

e. For a failure to lodge an account of election expenses -The disqualification of a candidate should be extended from the current three period up to a five year period,

2. Proportional Representation

It is also clear, from the experience of other countries that any changes in India's electoral system will have to follow a hybrid pattern combining elements of both direct and indirect elections. It is clear that both the electoral systems come with their own merits and demerits – proportional representation theoretically being more representative, while the FPTP system being more stable.

This, in turn will necessitate an increase in the number of seats in the Lok Sabha, which raises concerns regarding its effective functioning.

3. Anti Defection Law in India

The Law Commission recommends a suitable amendment to the Tenth Schedule of the Constitution, which shall have the effect of vesting the power to decide on questions of disqualification on the ground of defection with the President or the Governor, as the case may be, (instead of the Speaker or the Chairman), who shall act on the advice of the ECI. This would help preserve the integrity of the Speaker's office.

4. Strengthening the office of the Election Commission of

India The ECI should be strengthened by

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1. By giving equal constitutional protection to all members of the Commission in matters of removability
 2. By making the appointment process of the Election Commissioners and the CEC consultative-made by the President in consultation with a three-member collegium or selection committee, consisting of the Prime Minister; the Leader of the Opposition of the Lok Sabha (or the leader of the largest opposition party in the Lok Sabha in terms of numerical strength); and the Chief Justice of India.
 3. By Creating a permanent, independent Secretariat for the ECI-

5. Paid News and Political Advertisements

- a. The definitions of “paying for news”, “receiving payment for news” and “political advertisement” should be inserted in section 2 of the RPA.
- b. The consequences attached to those indulging in such practices should be delineated by creating an electoral offence of “paying for news” / “receiving payment for news” in a newly inserted section 127B of the RPA
- c. In order to curb the practice of disguised political advertisement, disclosure provisions should be made mandatory for all forms of media.

6.Opinion Polls

At present EC prohibits the display of any election matter forty-eight hours before polling begins, is limited to display by means of “cinematograph, television or other similar apparatus”; has to be extended to the print media. And EC at present does not deal with the independence and robustness of the opinion polls.

The regulation of opinion polls is necessary to ensure that credentials of the organisations conducting the poll known to the public and to assess by the public about the validity of the methods used in conducting the opinion polls.

7. Compulsory Voting

The Law Commission **does not** recommend the introduction of compulsory voting in India and in fact, believes it to be highly undesirable for a variety of reasons described above such as being undemocratic, illegitimate, expensive, unable to improve quality political participation and awareness, and difficult to implement.

8. Election Petitions

- a. The introduction of one or more “election benches” in each High Court, exercising jurisdiction over all election disputes under the RPA.
- b. The procedure for presenting election petitions should be made simpler and less formalistic
- c. The trial of election should be expediated-1.daily trial,
 - 2. minimising adjournments
- d. The trial should be concluded within six months from the date of presentation of the petition; pass its order under section 98 within ninety days from the conclusion of arguments.

(report should be sent to the Chief Justice of the High Court explaining the reasons for the delay of trial)

Appeals to the Supreme Court should now only be on the basis of the earlier provision permitting appeals on **questions of fact or law** **9. NOTA and the Right to Reject** a **question of law**, instead of as grounds for appeal

The Law Commission currently rejects the extension of the NOTA principle to introduce a right to reject the candidate and invalidate the election in cases where a majority of the votes have been polled in favour of the NOTA option.

10. The Right to Recall

The Law Commission is not in favour of introducing the right to recall in any form because it can lead to an excess of democracy, undermines the independence of the elected candidates, ignores minority interests, increases instability and chaos, increases chances of misuse and abuse, is difficult and expensive to implement in practice, especially given that India follows the first past the post system.

11. Totaliser for Counting of Votes

Totalizer for the counting of votes recorded in EVMs to prevent the harassment of voters in areas where voting trends in each polling station can be determined. Using a totalizer would increase the secrecy of votes during counting, thus preventing the disclosure of voting patterns and countering fears of intimidation and victimisation.

Prior to the introduction of EVMs, ballot papers could be mixed under Rule 59A of the Election Rules, although this was not permitted for EVMs.

12. Restriction on Government Sponsored Advertisements

The Commission recommends regulating and restricting government sponsored advertisements six months prior to the date of expiry of the House/Assembly to maintain the purity of elections; prevent the use of public money for partisan

13. Restriction on the Number of Seats from which a Candidate May Contest

In view of the expenditure of time and effort; election fatigue; and the harassment caused to the voters, section 33(7) should be amended to permit candidates to stand from only one constituency .(now from up to two constituencies.).

14. Independent Candidates

provide for only political parties registered with the ECI under section 11(4) to contest Loksabha or Vidhansabha elections. The Law Commission recommends that independent candidates be disbarred from contesting elections because it allows a proliferation of independents, who are mostly dummy/non-serious candidates or those who stand (with the same name) only to increase the voters' confusion.

15. Preparation and Use of Common Electoral Rolls– The Law Commission endorses the ECI's suggestions regarding the introduction of common electoral rolls for Assembly,

Parliamentary, and local body elections. However, require an amendment in the State laws pertaining to the conduct of local body elections

Source-PIB

Brief summary

There are examples of different countries where Democracy and electoral processes have failed leading to huge political crisis. India is a huge success in the aspect of democracy despite its multiculturalism and diversity, which has been evident with the success of 16th Loksabha Elections.

However, every system consists of merits and demerits. Evils like crime, corruption and money power have the potential to poison our democracy. The duty to deepen the democratic values lies in the electoral process of the country. Hence, Electoral Reforms in India are the need of the hour. In democracy the public is most powerful tool and If the public do not vote in favour of dishonest and corrupt politicians and criminals who wish to purchase their votes by money or muscle powers, everything shall function nicely and the democracy will shine in the dark spectrum of hitherto corrupt and criminalized political system. So, though the EC is doing its duty in this regard but it cannot succeed unless all stake-holders (political parties and voters) realise their responsibility.