

GMC CONFERENCE 2024

1st National Edition

STUDY GUIDE AIPPM



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Letter from the Moderators

Dear Participants,

It is our pleasure to preside over this AIPPM at GECCSMUN 2024.

Usually, delegates ask us what the expectations of the Moderators/Chairpersons for a committee are, and to that we would like to say that at the least we expect everyone to take the issues under review seriously. We expect that while you have fun during research or deliberations upon the issue, but you do not undermine their relevance, that you debate them because they affect you as a citizen as well.

This guide has been prepared with the idea that it will brief you about the issues at hand, and give you a good starting point for further research. So, we request you to **not see it as an end in itself in terms of preparation**. Going beyond the scope of this guide during preparation is not only suggested but is a necessity if you wish to perform well.

Good Luck! Hoping to see all of you soon.

Regards,

Executive Board.

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Note - Information contained in this research brief does not possess any evidentiary value, nor does it qualify as proof of the occurrence/non-occurrence or existence/ non- existence of any fact. The brief is meant only to provide the participants with a modicum of information upon which further research can be built and does not in any manner whatsoever reflect the views or political leanings of the Moderator, Deputy Moderator or scribe. The Moderator, Deputy-Moderator and Scribe shall at all points in time maintain neutrality and do not have any political affiliations.

Suggested Pattern for Researching

To start researching on the agenda of the AIPPM, participating members should do the following:

1. Start researching your respective portfolio and their political affiliations. As no definite document may be found which contains the stand of a party or an individual on a specific agenda, the delegates must do the tedious yet rewarding work of going through past news clippings/ magazine articles/party website/individual's website/social media handles/ YouTube videos to find statements on the said agenda. Further, a detailed understanding can be gained by studying the ideology and principles adopted by the party/individual.
2. After gaining knowledge about the portfolio, the delegates must start their research on the agenda at hand. This must be done by researching further upon the agenda using the footnotes and links given in the guide and from other sources such as academic papers, institutional or governmental reports, national reports, news articles, blogs etc.
3. Characterize the agenda into sub-topics and prepare speeches and statements on them. The delegates should also prepare a list of possible solutions and actions the JPS can suggest/ adopt on the issue.
4. Assemble proof/evidence for any important piece of information/ allegation you are going to use in committee and keep your research updated using various news sources, specifically government studies or data released by the same.
5. To have an edge in the committee in terms of debate, delegates must also research about the other portfolios and try to find their contradictory statements or controversial stands on various issues to raise allegations/ substantial questions in the committee.

Lastly, we would expect all the delegates to put in serious efforts in research and preparation for the simulation and work hard to make it a fruitful learning experience for all.

The rules, regulations, and directives of the Election process in India have been changed quite a few times in order to maintain the dignity of the voting right and to eliminate corruption from all possible levels. The first three elections were conducted on a fairground but the standards started to degrade in the fourth one held in 1967. Many natives considered that it is the result of political corruption that resulted in such maladministration. This is why electoral reforms in India were introduced to face such challenges and to make it a fair practice for all.

Major committees on Electoral Reforms

- Tarkunde Committee (1974)
- Jaya Prakash Narayan Committee (1974)
- Goswami Committee on Electoral Reforms (1990)
- Vohra Committee Report (1993)
- Indrajit Gupta Committee on State Funding of Elections (1998)
- Law Commission Report on Reform of the Electoral Laws (1999)
- National Commission to Review the Working of the Constitution (2001)
- Election Commission of India - Proposed Electoral Reforms (2004)
- Jeevan Reddy Committee (2004)
- The Second Administrative Reforms Commission (2008)

Note for the reader, please read about what each committee has suggested and changed over the course of time.

Issues with Electoral Politics in India

- **Misuse of Government Machinery:** Misuse of government machinery takes many forms, including the publication of advertisements at the expense of the government and the public exchequer highlighting their accomplishments, disbursements from ministerial discretionary funds, and the use of government vehicles for canvassing.
- **Muscle Power:** Violence, pre-election intimidation, post-election victimization, the vast majority of riggings of any kind, and silent and violent booth capturing are all fruits of muscle power.
- **Criminalization of Politics:** During election season, newspapers are frequently brimming with stories about the number of criminals on the loose who are backed by each political party. The criminals' motivation for entering politics is to obtain influence and ensure that cases against them are dropped or not pursued.

- **Money Power:** Electioneering is a costly event in any democratic government, but it is especially so in India. Money power plays a negative influence in our electoral system, substantially influencing the functioning of periodic elections.
- **Lack of Moral Values in Politics:** Political parties' ideological orientation has deteriorated dramatically. In India, party dynamics have resulted in the creation of worthless politics.

The removal of malicious people and malevolent activities has made electoral reforms necessary. The reasons for the need for electoral reforms are listed below:

- Free and fair elections have been made possible by electoral reforms. Election reforms include things like implementing best practices to ensure better, more accountable parliamentary democracy, fixing structural problems, promoting honest politics, and preserving public confidence.
- There should be transparency in politics like giving Indian citizens the right to information, facilitating voting with assurance, ending the criminalization of politics, maintaining the secrecy of voters, ensuring free and fair elections, fairly registering political parties, finding a solution for delisting voters, the non-partisan role of the media, and enforcing the model code are all examples of transparency in politics.
- The need for electoral reforms has also been felt, primarily in order to fulfil the aspirations of the younger generation, prevent the criminalization of politics, discourage the use of force and money in politics, stop the abuse of government resources, increase public trust, strengthen election commissions, make them independent, and use technology in the electoral process.

Measures Taken by the Election Commission of India

The Election Commission has recently taken several new initiatives, including the use of state-owned electronic media for political party broadcasts or telecasts, checking:

- The criminalization of political parties, providing electoral identification cars,
- Streamlining the procedure for registering political parties and requiring them to hold regular organizational elections,
- A variety of measures to ensure strict compliance with the Model Code of Conduct to ensure a level playing field for contestants.

- In India, the Election Commission has created a set of guidelines known as the Model Code of Conduct, which political parties and candidates must follow in the run-up to an election.
 - These standards are meant to ensure that the ruling party, both at the national and state levels, does not take advantage of its official position to gain an undue advantage in elections.
 - There is a widespread perception that something is amiss with India's election process. Now is the time to include some tough norms and legislation in our Constitution to keep those anti-social evils out of India's election system.
 - The ECI has made initiatives to ensure voter confidence in the use of electronic voting machines in elections.
 - During the election process, Voter Verifiable Paper Audit Trail (VVPAT) machines are used to ensure that the votes cast by voters go to the correct candidates.
 - The second layer of verification is VVPATs. VVPATs have been used in several elections to prevent EVMs from being tampered with.
 - VVPATs are critical for increasing voter confidence and ensuring voting integrity.
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Criminalization of Politics

Criminalization of politics is defined as the situation when criminals participate in the politics of the government, i.e., contest elections and get elected to the Parliament and state legislatures. This growing menace has become a big problem for our society, affecting the basic principles of democracy, such as fairness in elections, following the law, and being accountable.

Recently, the Association for Democratic Reforms (ADR) has revealed that the number of candidates with criminal cases has increased in all major political parties in Karnataka ahead of the 2023 Assembly Elections, highlighting the Issue of Criminalization of Politics.

The ADR has recommended the permanent disqualification of candidates convicted of serious criminal offenses from contesting elections. However, such disqualifications have not been implemented yet.

According to data from the ADR, the number of candidates with criminal charges elected to Parliament in India has been on the rise since 2004. In 2004, 24% of parliamentarians had pending criminal cases, which rose to 43% in 2019. In a petition filed in Feb 2023, it was claimed that there has been an increase of 44% in the number of MPs with declared criminal cases since 2009. In the 2019 Lok Sabha elections, 159 MPs had declared serious criminal cases against them, including those of rape, murder, attempt to murder, kidnapping, crimes against women.

What are the Causes of Criminalization of Politics?

1. **Vote Bank:** Candidates and political parties often resort to illegal means such as vote-buying and other illegitimate practices, aided by individuals commonly referred to as "goondas". This culture of political crime is often perpetuated by the close links between politicians and their constituencies providing a conducive environment for the misuse of power and resources for personal gain, leading to corruption and criminal activities.
2. **Corruption:** The majority of candidates contesting elections require money, funds, and donations. It is pertinent to note that corruption directly gives rise to contempt of the law. There is a direct relationship between contempt of law and criminalization of politics. When contempt of law combines with the criminalization of politics, it gives birth to flourishing corruption.
3. **Vested Interests:** People generally vote through a narrow prism of community interests and neglect the criminal background of the politicians. This can lead to a situation where politicians with a criminal background are elected simply because they align with the interests of a particular community, rather than being held accountable for their actions.
4. **Muscle Power:** Politicians make promises to eliminate corruption and muscle power during elections, but rarely follow through. The First Past the Post (FPTP) system favors the candidate with the most votes. The ideology behind using muscle power is that fear and violence can help parties win if they can't gain trust. The FPTP system is also known as the simple majority system. In this voting method, the candidate with the highest number of votes in a constituency is declared the winner. This creates a dangerous nexus between political parties and criminals.
5. **Money Power:** Black money and mafia funds contribute significantly to the criminalization of politics. These illegal sources of money are used to buy votes and win elections, leading to a rise in criminalization in politics.
6. **Poor Governance:** The poor governance of the country also plays an important role in increasing the criminalization of politics. There is absence of proper laws and rules for governing the procedure of the election. Only the Model Code of Conduct is there which is also not enforced by any statute.

What are the Implications of Criminalization of Politics?

- **Against the Principle of Free and Fair Elections:** It limits the choice of voters to elect a suitable candidate.
 - It is against the ethos of Free and Fair Elections which is the bedrock of a democracy.
- **Affecting Good Governance:** The major problem is that the law-breakers become law-makers, this affects the efficacy of the democratic process in delivering good governance.
 - These unhealthy tendencies in the democratic system reflect a poor image of the nature of India's state institutions and the quality of its elected representatives.
- **Affecting Integrity of Public Servants:** The circulation of black money makes it easier for politicians to buy votes and secure their positions, leading to a situation where corrupt practices are normalized and become a part of the political system.
 - This makes it difficult for honest public servants to work effectively and can erode public trust in the government.
- **Causes Social Disharmony:** It introduces a culture of violence in society and sets a bad precedent for the youth to follow and reduces people's faith in democracy as a system of governance.

For the reader, to research about the way forward to improve the situation in terms of criminalization of politics. Please read about amendments in the RPA 1951.

Monetary Corruption in Politics

Money matters in Indian elections. In the increasingly high stakes world of election campaigning, aggressive displays of candidate wealth, from cash handouts to alcohol distribution, to big rallies, are becoming more common and more extravagant. In the 2014 national election, candidates reported a median wealth of 23.8 lakh, which is significantly wealthier than the general population. While money plays a key role in most elections across the world, the particular reliance of Indian parties on candidates with great personal wealth is quite a unique phenomenon.

In many longstanding democracies, campaign funding is highly regulated, a lion's share of the funding comes from the party itself or third-party sources like lobbyists and corporate actors, and the personal wealth of the candidate is less important. India's parties display very low "intra-party democracy" because party's policy decisions are routinely made by a small coterie of party elites. More importantly, party tickets are typically distributed—or even sold—by these elites in the absence of a functioning democratic process within the party.

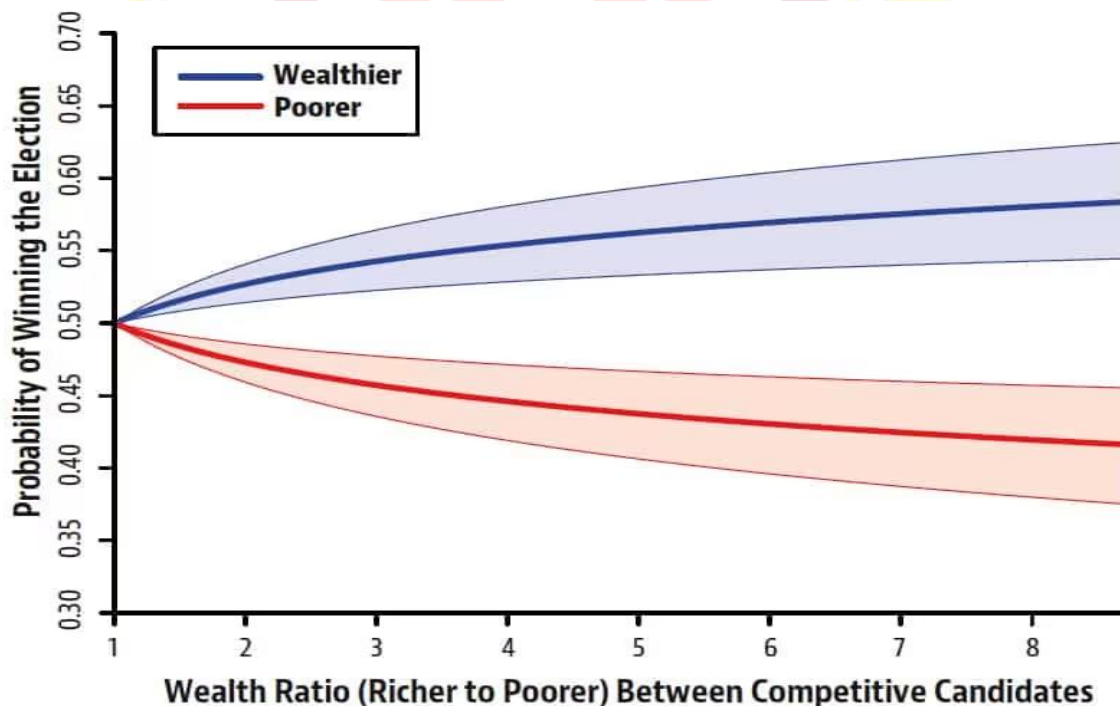
Even if a candidate wins his or her seat, anti-defection laws effectively prevent elected representatives from having much of a role in policymaking. In such a scenario, third party actors

have few incentives to invest in specific candidates, rather than a party at large. With little opportunity to raise outside funds, candidates must largely finance their election campaigns. Naturally, this has led to a rise of wealthy candidates. Looking at self-reported candidate affidavits for Lok Sabha elections between 2004 and 2014, the median total wealth of candidates grew by approximately 330% in nominal terms. Even adjusting for inflation, the median wealth of candidates saw a rise of 116% in real terms.

In the 2014 national election, candidates reported a median wealth of ₹23.8 lakh —approximately 27 times the nominal per capita income of India in 2014-2015 of ₹88,533—which is, in turn, significantly wealthier than the general population. There are reasons to be worried about this rise of self-financing candidates in India. First, if candidates need to be wealthy to contest an election, only a small subset of the population can realistically hold office, resulting in legislators that have less in common with the citizens they represent. Second, if parties increasingly look at personal wealth to select candidates, instead of characteristics of “quality” such as education or constituency service, then elected politicians may become worse at representing their constituents.

Finally, and most importantly, if campaigns must be self-financed, then candidates may view contesting elections as an investment rather than a sunk cost, leading to greater levels of corruption in office as legislators try to recoup the costs of contesting elections. Indeed, related evidence suggests that incumbent politicians enjoy a significant return on their assets.

To shed light on the problem, candidate affidavits were digitized for each of the last three national elections, providing details on moveable and immovable wealth, as well as a number of other characteristics such as pending criminal cases and education. Comparing this data to the election results over the appropriate national elections can be used to understand the relationship between candidate wealth and electoral outcomes.



This analysis focuses on moveable wealth, which are assets that can be quickly mobilized for campaign purposes, as opposed to immovable wealth (which consists mainly of fixed assets like real estate). More than 80% of the value of moveable wealth is nested in four types of assets: jewelry, cash, deposits, and vehicles. The biggest source of moveable wealth is jewelry because a relatively small amount of jewelry may contain a lot of financial value, so it can be used to quickly move large sums of wealth from one place to the next. Because competitive political parties require the most expensive electoral campaigns, these are the parties that should select the wealthiest candidates. The data bears this out.

Candidates from competitive parties (defined as a party that was one of the top two finishers in a constituency) selected candidates who were approximately 20 times richer than candidates from non-competitive parties. This implies that candidates with any chance of winning an election are much richer than the overall candidate pool.

At the same time, if wealthier candidates were no better at winning elections, then an analysis of candidate wealth would be no more than academic curiosity. In order to determine the relationship between wealth and winning elections, the analysis was restricted to candidates from competitive parties and a statistical model was fit to the data.

Even when restricting attention to the top two candidates, the richer candidate reported moveable asset wealth about four times greater on average than the poorer candidate. As the wealth gap grows between the top two candidates in a constituency, the richer candidate has a higher probability of winning (see graphic). In the median case, the wealthier candidate is about 10 percentage points more likely to win than the poorer candidate.

Taken together, these analyses provide statistical evidence that competitive parties are more likely to field wealthier candidates, and, even when focusing only on those candidates that have some chance of winning, wealth is strongly correlated to electoral success. This result is consistent with growing incentives parties face to select wealthy candidates to self-finance increasingly expensive campaigns.

Self-financing candidates, in addition to covering their own campaign costs, can bring in funds for the party and subsidize poorer candidates. The root cause of the rise of wealthy candidates is the weak representative role of India's elected politicians. The rules governing the system are such that, even after winning election, legislators have little power in policy making—which is controlled by a small set of party elites. In short, India's politicians have little incentive to invest in actually becoming good representatives, and they are more likely to see the election as an economic investment in the future. It all adds up to a compromised democratic system in which the candidates for whom we vote need not represent our interests.

The Centre for Media Studies estimates that the total expenditure incurred by political parties and candidates and their supporters in the 1999 Lok Sabha election was Rs. 2500 crores. Lok Satta's own estimates for the 1999 Andhra Pradesh general election to State Legislative Assembly and Lok Sabha indicate an expense of Rs.600 crores. These estimates are by no means farfetched — in at least a dozen assembly constituencies the major party candidates spent an average of Rs 2.5 crores, and in a few Lok Sabha constituencies the expenditure was as high as Rs 5 crores.

Election expenditure in Andhra Pradesh is probably higher than in most States. But the picture is equally grim for most parts of India. The important aspect is, the bulk of the expenditure incurred is for illegitimate purposes—to buy votes, bribe officials and hire hoodlums. In a typical Assembly constituency, around 50,000 voters are paid about Rs. 50 to Rs.500 and given liquor sachets or redeemable coupons. Incurring all this expense does not guarantee victory, but not spending it almost certainly guarantees defeat! The reasons for this should be examined separately.

For now, let us focus on the consequences of illegal collection of funds and illegitimate expenditure in elections. A Rs.600 crore expenditure by the candidates requires a return of Rs.6000 crores to cover a reasonable interest and a 'fair' return on their investment. Candidates need to be compensated for the time and energy invested in cultivating party bosses, and organizing dharnas and demonstrations. Often large sums of money change hands to secure the party nomination. Election is also a high risk 'winner-take-all' business, and hence the risk premium is high. Apart from the minimal requirement for a 'comfortable' life, the elected member also has to raise money for future elections. The cronies and hangers-on who are the indispensable part of a politician's entourage have to be sustained. To desire a ten-fold return on all this investment is not an unreasonable estimate!

But a democracy, however flawed, does not permit extortion of money at gun-point. (Although this is happening in pockets of India). Herein starts the intricate maze. The politicians' desired return of Rs 6000 crores has to be collected by an elaborate mechanism through the agency of the vast army of employees. This translates itself as 'rent' or bribe for most public services. There are about 3000 government employees for every politician in office. If each of them retains only a small collection fee, the total amount extorted from citizens would be nearly 20 fold – or about Rs 120000 crores. In this way an election expenditure of Rs 600 crores leads to corruption totaling Rs.120000 crores over five years. (With legislatures dissolving sooner, the returns should move faster!) And all this in just one major State.

But the real price paid is not merely money collected as a bribe. It is the state of anxiety and uncertainty in which a citizen is kept to sustain this chain of corruption. It is an infliction of harassment and humiliation, and lost time and opportunity. Citizens aren't always eager or willing to pay a bribe for basic public services. (Only a small part of corruption is collusive — where the bribe giver also benefits at the cost of the public exchequer. Most corruption is extortionary.) But experience teaches us that if we do not pay, we end up losing at least ten times the bribe amount. It is this anxiety and uncertainty which ensures the flow of money from the people to the top rungs of power. Otherwise, the system breaks down!

This, in a nutshell, is the consequence of a corrupt electoral system. The legal limit for expenditure in Assembly elections is Rs.6,00,000 in most States, and Rs.15,00,000 for Lok Sabha elections. But the actual expenditure is often 10 to 20 times the ceiling, and as Prime Minister Vajpayee stated several times in Parliament almost every legislator begins his political career with a big lie – he signs a statement declaring that he did not exceed the legal limit. The expense incurred is not only illegal, but also illegitimate.

For the reader, please read about electoral bonds being struck down by the SC recently.

False affidavits by candidates

The Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in its report on 'Specific Aspects of Election Process and their Reform' recommended strict punishments against the candidate giving false information in their election affidavits. The committee headed by BJP Rajya Sabha MP Sushil Kumar Modi presented the report to both houses of the parliament on Friday.

The current punishment for giving false information in the election affidavits under Section 125A of the Representation of People's Act 1951, is up to six months. The committee in its report observed that this punishment is insufficient and should be increased and the severity of the punishment should be based on severity of the offence committed. "The Committee suggests that if someone files a false affidavit, their offence level should be taken into account and may be added to the list of offences under Section 8(1) that lead to disqualification," read the report.

Section 8 (1) of the RPA deals with the disqualification of an elected member. The committee also suggested that punishment under Section 125A should be increased to a maximum of two years imprisonment and a fine. However, this penalty should only be applied in exceptional cases, and not for minor errors or unintentional mistakes. The committee in its report observed that there is a widespread trend of dispensing incorrect or unreliable information without facing significant consequences. It recommended that to ensure the integrity of the democratic process, it is crucial for the government to take strict measures to deter the filing of false declarations in affidavits.

In its report, the committee cited data of false affidavits from the election commission. False declarations by candidates have been found in 15 states with UP having a maximum of 54 cases of false declaration. The parliamentary committee also recommended reducing the election contesting age from the current 25 years to 18 years. "After examining various countries' practices, such as Canada, the United Kingdom, and Australia, the Committee observes that the minimum age for candidacy in national elections needs to be 18 years," read the report.

On a common electoral roll for all elections across the country, the committee recommended that the EC may develop a comprehensive plan that considers all the factors involved in implementing a Common Electoral Roll before making any changes to the current regulations. It cautioned the EC that extensive consultations should be held with legislative departments, political parties and states and concerns raised by everyone should be taken into account. In several cases, the states use their own electoral roll for local body elections.

"The Committee therefore suggests that the ECI before taking up the responsibility of preparing the Common Electoral Roll may give due consideration to the constitutional provisions and powers of the States. The ECI may also keep in mind the principles of federalism enshrined under the constitution and the powers reserved for the State Election Commissions," read the report.

For the reader to check about the Supreme Court's judgment about false educational information in affidavits.

Filing false election affidavits is a major but least discussed problem plaguing our democracy. It has come to the fore again after three lawmakers from the ruling Bharat Rashtra Samithi (BRS) in

Telangana faced setbacks from the state high court. In the first case, the Telangana HC disqualified sitting MLA Vanama Venkateswara Rao for concealing information about properties in his affidavit submitted ahead of the 2018 Assembly polls. It slapped a fine of Rs 5 lakh on him and declared as elected the petitioner, who was the runner-up in the election. In the second case, another MLA, a minister, is accused of citing false certificates, and the court dismissed his plea for quashing the petition against him. The last case is of an MP, who urged the Supreme Court to reject a petition against him in the high court that sought an expeditious hearing on his alleged false affidavit, only to be told to face the proceedings.

This malaise is not limited to one party or state. In the Telangana Assembly alone, at least 15 MLAs face allegations of this nature. The SC has made it abundantly clear that withholding information is nothing but misleading the voter. The *Krishnamoorthy vs Sivakumar* and *Ors* judgment held that non-disclosure of pending criminal cases amounts to exerting “undue influence”. Similarly, the *Lok Prahari vs Union of India* verdict ruled that hiding information about assets and sources of income, too, must be considered as “undue influence”. But politicians continue to indulge in this corrupt practice because of the absence of an effective deterrent. The Representation of People Act mandates up to six months of imprisonment or fine or both for filing false affidavits. Given the slow pace of our judicial process, as in the case of Vanama Venkateswara Rao, the tenure of the Assembly itself will end by the time the verdict comes.

In its report on electoral reforms, the Law Commission recommended daily trials by specially constituted election benches in high courts within six months to dispose of election petitions. It also suggested more time for scrutiny of nominations. The SC and the Election Commission also opined that Parliament could increase punishment up to two years, leading to disqualification. For some inexplicable reason, electoral reforms appear to be the last priority of all parties. If we are to call ourselves not only the largest but also an ideal democracy, we need honest leaders. Parliament should amend the Act, and political parties must shoulder the responsibility of strictly vetting their candidates.

Taking a serious view of candidates facing serious criminal charges contesting various polls in the country, the Election Commission of India (ECI) has proposed that such candidates be barred from elections. It has also suggested that filing false affidavits be made a ground for disqualification. "The Commission has made a proposal to the Law Ministry (that) at least in such criminal cases where the (minimum) punishment is imprisonment of five years, if a person is accused of that and if charges have been framed by the competent magistrate at least six months before the scheduled date of election, they should be disqualified from contesting elections," Chief Election Commissioner V S Sampath said on Monday.

The EC's proposals to cleanse public life have been recommended to the government, and come after the Supreme Court's intervention following which those convicted of serious offenses were instantly disqualified from being MPs and MLAs. Sampath said the proposal of the poll panel has been referred by the Law Ministry to the Law Commission, which is working on making recommendations on electoral reforms. He said a "safeguard" has also been proposed to prevent misuse of the provision. The provision barring persons from contesting polls will apply only in cases where charges have been framed for the alleged crime six months before the announcement of elections. According to a survey of MPs and legislators conducted by Association for Democratic Reforms (ADR) and National Election Watch (NEW) in 2013 — based on affidavits

filed by candidates during elections since 2004— about 30 percent of Lok Sabha members and 17 percent of Rajya Sabha members had criminal cases pending against them.

The list was topped by Shiv Sena members, the report said. A total of 8,790 affidavits filed by MPs and state legislators were analyzed, and the report found 14 per cent members of the previous Lok Sabha had "serious criminal cases" against them. Seventy-five percent of the offending MPs and state legislators were elected on Shiv Sena tickets since 2004, followed by the Rashtriya Janata Dal at 46 per cent. The Congress and BJP accounted for 22 and 31 per cent each

Good read - [LS Secretariat Note](#)

Good watch - [YouTube video](#)

Law Commission's Report for Electoral Reforms - [Link](#)

ADR on [Criminalisation of Politics](#)

ADR on [Monetary Corruption in Politics/Elections](#)

How affidavits are becoming [meaningless](#)
