Concerns with Simultaneous Elections

What is the issue?

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- Union government plans to conduct simultaneous elections for both state and union assemblies.
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- But holding simultaneous polls in India is against the constitution’s basic structure.
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What is the basic structure of constitution?

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- The Supreme Court has evolved a doctrine called basic structure of the constitution to preserve the ideals and philosophy of the original constitution.
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- This was created to put a check on the power of the parliament to pass laws and amend the constitution.
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- According to the doctrine, the Parliament cannot destroy or alter the basic structure of the doctrine.
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- Some of the matters germane to the basic structure include
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1. Provisions dealing with supremacy of the Constitution, The rule of law,

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2. The principle of separation of powers, Judicial review,

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3. Secularism, the sovereign, democratic and republican structure of the

Constitution,

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4. Freedom and dignity of the individual, unity and integrity of the nation,

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5. The principle of equality, The essence of other fundamental rights in Part III,

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6. The concepts of social and economic justice, The commitment to build a welfare state,

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7. The balance between fundamental rights and directive principles,

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8. The parliamentary system of government,

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9. The principle of free and fair elections, Independence of the judiciary, Effective access to justice,

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10. Legislation seeking to nullify the awards made in exercise of the judicial power of the state by arbitration tribunals constituted under an Act.

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What are the concerns with simultaneous elections?

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- Even though it is a fact that frequent elections impose a burden on human resources and impede the development process due to the promulgation of Model Code of Conduct.
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- It is necessary to keep in mind that simultaneous elections is a purely reformist and an unconstitutional measure.
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- There is a misconception that that an amendment to the Representation of

People’s Act 1951 is all that is needed for holding simultaneous polls to the Lok Sabha and the state assemblies.
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- But amending the RPA 1951 is challenging as it comes under the basic structure of the constitution.
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- Apart from the basic structure, the federal structure of the polity which itself a part of the basic structure will collapse if an amendment to the Representation of People’s Act is approved by Parliament.
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Source: The Indian Express

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