

Electoral reforms in India: A Critical study

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ABSTRACT:

India is the largest democracy in the world, but due to certain reasons, democracy is not working properly. Political analysts say there are some undermining reasons for this failure. The present study aims to explain the major electoral reforms in India. These reforms were powerful enough that they made remarkable changes in the election system in India. The study also ventures into the nuances behind each electoral reform and the way in which it revitalized the total electoral system in India.

Keywords : *Electoral Reforms, Democracy, Adult Franchise, Political Participation, Elections*

I. Introduction

Generally, there are two ways of looking at the electoral reforms in India, one which is essential to strengthen the process of democratisation in the society and the other which can undermine the fountain of the democratic enterprise. Currently, the dominant perspective in thinking about the electoral reforms is essentially a managerial-bureaucratic perspective which somehow or the other works towards restricting the electoral system for the people at large. But a meaningful discussion on electoral reforms should always be in relation to the process of democratisation in contemporary India.

The real challenge of electoral reforms is to make the mechanism of election an effective instrument of the democratic will of the people and more so of those who have been excluded from their due share of power for long. The litmus test for any proposal of electoral reforms is its ability to carry forward the process of democratisation.

II. Literature Review

Subhash Sharma (2007) opined that, "Total development of the nation takes place by combination of grass root development, Entrepreneurship development, Institutional development and corporate development". This concept helps us to think in terms of the electoral reforms. Sanjay Kumar (2002) stated that, "the attempt to reform the electoral system is always a welcome move. However, the current proposals on candidates' disclosures of various kinds do not appear to be well-constructed and also have many ambiguities leading into misinterpretation. It is perhaps more important to strengthen the system of preparing electoral rolls and allowing public access to the electoral rolls.

Sukhdev Singh (2012) talks about the electoral reforms to overcome the drawbacks and ensure right for free and fair elections in the country like change in voting age to 18 years, the security deposit by electoral

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candidate,. T T Ram Mohan (2007) in his study on the electoral reforms in India opined that burning issues like criminalization of politics, absence of state funding of elections, an increasingly politicized bureaucracy, and a moribund legal system are the major causes for worry.

The suggestions of various commissions and reports on electoral reforms suit the managerial-bureaucratic type of reforms aimed mainly to facilitate the conduct of elections, even at restricting the democratic process itself. Out of these recommendations, some have been implemented. The increase in proposed on security deposit and the required percent of votes polled to save deposits are certainly a step towards it. But in spite of it, there is virtually an unanimity on broadly three areas of reforms i.e. election expenses, enhancement of the powers of the Election Commission, and finally simplification of the basic rules and regulations with regard to the electoral process to make them more convenient for the common people.

The basic conclusion that follows from this detailed discussion on the patterns of political participation is that the mechanism of election established by the Indian Constitution has not remained merely on paper. It has become the channel of one of the most powerful processes of democratisation witnessed in recent history. Major structural reforms of the electoral system, such as a shift away from the 'First Past the Post' (FPTP) system of representation, were discussed by a number of committees. In this context, it is interesting to review some of the recent changes and proposals on electoral reforms.

National Voters' Day

As part of the Voters' Day celebrations, new voters aged 18 years and above are enrolled in all the polling station areas in the country. The Union Cabinet on 20th, January, 2011, approved the declaration of January 25 as the National Voters' Day. It was aimed to provide the unrepresented youth of the country an opportunity to vent their feelings and help them become a part of the political process.

The Election Commission has decided to take up a vigorous exercise to identify all eligible voters attaining the age of 18 years on January 1st every year, in all the 8.5 lakhs polling station areas of the country. This initiation was expected to give the youth a sense of responsible citizenship, empowerment, pride and participation, and inspire them to exercise their newly acquired franchise, when occasion arises.

State Funding of Elections – Proposals of The Indrajit Gupta Committee

State or Public funding of elections is not a new concept. Proposal for public funding of elections was suggested first by the "Tarkunde Committee on Electoral Reforms" in 1975, then by the "Dinesh Goswami Committee" in 1990, and finally by another parliamentary committee headed by Indrajit Gupta in 1999.

Indrajit Gupta Committee on Election Funding, appointed by the Central Government, in its report proposed the following measures:

- 1) It fully justified the state funding of election for the recognized national and state parties and their candidates.
- 2) An election fund to be created on equal contribution of `600 crores each from the centre and the states.
- 3) The recognized national and state parties are to be funded by the state to meet election expenses but this funding should always be in kind and not in cash.

- 4) All donations to political parties exceeding Rs. 10,000/- should be accepted only by cheque.
- 5) In order to ensure transparency, all political parties should compulsorily submit their annual accounts to the Income Tax Authorities showing all details of their receipts and expenditure.
- 6) The political parties should file a complete account of their expenditure at every general election with the Election Commission.
- 7) To curb election expenses, the committee suggested reasonable restrictions on wall writings, display of cut outs and hoardings, and the number of vehicles to be used for election campaign and public meetings.

The Committee has referred to the apparent contradiction between this explanation and Section 171H, of the Indian Penal Code (IPC), which prohibits any campaign expenditure by political parties or any other body of association or individuals without an authorization from the candidate and makes any violation of this a penal offence.

MODEL CODE OF CONDUCT

The Election Commission of India is authorized to ensure the conduct of free and fair elections. In pursuance of that it issues a Model Code of Conduct in every election for candidates and political parties directing them to co-operate in conducting the elections in a free and fair manner. The first Code was circulated by the Commission at the time of the fifth general elections, held in 1971. The Code, since then has been revised from time to time. The contesting candidates and the political parties, during the campaign period are expected to respect and follow a model code of conduct evolved by the Election Commission of India on the basis of the agreement among political parties. The guidelines comes into force the moment Election Commission announces the schedule of elections. The code of conduct specifies that:

- 1) The religious places should not be used by the Political Parties and contesting candidates for election campaign.
- 2) Any speech which in a way tries to create hatred among different communities belonging to different religions, castes and languages, etc. should not be delivered.
- 3) Official machinery should not be used for election work
- 4) No new schemes or projects can be started and no new grants can be sanctioned once the election dates are announced.
- 5) Mass media cannot be misused for partisan coverage.

DISCLOSURE OF ANTECEDENTS BY CANDIDATES

In June 2002, the Election Commission issued an order under Article 324 that every candidate must submit an affidavit regarding the information of his/her criminal antecedents; assets (both movable and immovable) of self and those of spouses and dependents as well; and qualifications at the time of filing his/her nomination papers for election to the Rajya Sabha, the State Legislative Assemblies and the Lok Sabha. But political parties believed that the Election Commission and the judiciary were overstepping their powers. At the all-party meeting, held on July 8, 2002, representatives of 21 political parties decided that the Election Commission's order should not be allowed to be implemented. The Supreme Court again came out as a guardian

of the citizen's right to information. The Apex Court gave its judgment on March 13, 2003, basically asserting its previous June 2002 decision, which requires full disclosure by all candidates. The order made it clear that failing to furnish the relevant affidavit shall be considered as a violation of the Supreme Court's order and as such the nomination papers shall be liable to be rejected by the Returning Officer. Furnishing of wrong or incomplete information shall result in the rejection of nomination papers, apart from inviting penal consequences under the Indian Penal Code. The 2004 General Elections were conducted under these rules. The above order is an effective step to make democracy healthy and unpolluted. Citizens have every right to know about the persons whom they prefer as their representatives.

REGISTRATION OF POLITICAL PARTIES

The party system is an essential feature of parliamentary democracy. However, there is no direct reference of political parties in the Constitution of India. The statutory law relating to registration of political parties enacted in 1989 was quite liberal. As a result, a large number of non-serious parties mushroomed and got registered with the Commission. Many of them did not contest elections at all after their registration. It led to confusion among electors as to whom to vote. To eliminate the mushrooming of parties, the Election Commission had to take some rigorous steps. The Commission started the practice of registering a party which has at least 100 registered electors as its members and is also charging a nominal processing fee of Rs.10,000 to cover the administration expenses which it will have to incur on correspondence with the parties after their registration.

LIMITS ON POLL EXPENSES

Though the Election Commission issues free access for a limited time to the entire recognized State and National parties for their campaign, it does not mean that political parties do not spare anything on their election campaign. A large amount of money is spent on election campaigning by the political parties and the candidates contesting election. However, the Election Commission has the power to scrutinize the expenses to incurred by the candidate for the election. A maximum limit is set on expenses to be incurred in State Assembly and Parliamentary elections. Every candidate is required to file complete account details of his election expenses within 45 days from the declaration of results. The Election Commission can take appropriate action in case of default or if the candidate has incurred (expenses) more than the prescribed limit. In such case, the candidate elected might be disqualified and his election may be reversed.

MULTI-MEMBER ELECTION COMMISSION

A special significance to independent electoral machinery for the conduct of elections was attached by the framers of the Constitution. The Constitution of India instituted an Election Commission of India which is responsible for direction, superintendence and control of all election activities. It is responsible for conducting elections to State Legislatures, both for the House of Parliament and for the offices of Vice-President and President. Besides, it is also responsible for the preparation, maintenance, updating and revision of voter's lists. It defines constituencies for election to the State Legislature and the Parliament, fixes the election programme and settles election disputes and performs many other functions related to elections.

The multi-member Election Commission includes the Chief Election Commissioner and such other Election Commissioners as may be decided by the President of India from time to time. The first Chief Election Commissioner was appointed in 1950. Ever since, there was no other Election Commissioner till 1989. The

Chief Election Commissioner is supported by a large number of officials. On 16th October, 1989, the Election Commission became a multi-member body when the President appointed two or more Election Commissioners, with the Senior most appointed as Chief Election Commissioner.

USE OF SCIENTIFIC AND TECHNOLOGICAL ADVANCEMENTS

Advances in science and technology has been made use of by the Election Commission to upgrade election procedure Electronic and Voting Machines' (EVMs) have been introduced precisely for that. The Election Commission has recommended the introduction of electronic voting machines with a view to reducing malpractices and also improving the efficiency of the voting process. On an experimental basis, the EVMs were first tried in the State of Kerala during the 1982 Legislative Assembly Elections. After the successful testing and long legal inquires of the technological aspect of the machines, the EC took a historic decision to go ahead and started using EVMs for certain Assembly elections in November 1998.

The Commission selected 16 Assembly constituencies in the States of Madhya Pradesh, Rajasthan and Union Territory of Delhi. Later, in June 1999 Assembly elections, Goa became the first State to successfully use EVMs in all its Assembly constituencies. In the 2004 Lok Sabha elections, the machines were used all over the country. It is a major initiative taken by the EC to make the electoral process simple, quick and trouble-free. It has saved money, solved several logistical issues and also contributed to the conservation of environment through saving of paper. Another major advantage of these machines is that the counting of votes becomes more fast and accurate. Now there are no invalid and wasted votes at all, as every vote recorded in the machine is accounted for in favour of the candidate for whom it was cast.

With a view to prevent impersonation of electors at the time of voting and to eliminate bogus and fictitious entries into electoral rolls, the Election Commission took a bold step. In 1998, it decided to take a nationwide programme for the 'computerisation' of electoral rolls. The printed electoral rolls as well as CDs containing these rolls are available to the general public for sale. After every revision of electoral rolls, the EC provides these free of cost to all the political parties, national or regional.

The entire country's electoral rolls are available on its website. Karnataka became the first State to prepare electoral rolls with the photographs of the voters in the 2008 elections. The State EC developed the electoral roll management software called 'STEERS'(State Enhancement Electoral Roll System) to prevent duplication of voters lists and to eliminate wrong addresses. The EC decided to introduce photo electoral rolls for proper verification of voters across the country by the 2009 general elections.

Election Identity Card

In August 1993, the Election Commission ordered the issuance of⁶ Electors' Photo Identity Cards (EPICs) for all voters. This step had two important objectives; firstly to prevent electoral fraud and secondly to improve accuracy in electoral rolls. A modest attempt to introduce the photo identity cards was made for the first time in 1978 at the instance of the then Chief Election Commissioner, S.L. Shakder, in the case of elections to the Legislative Assembly of Skikim. During the 2004 Assembly elections, it was mandatory for people possessing EPICs to furnish it at the time of voting. People who did not possess EPICs had to bring the proofs of identity as prescribed by the EC at the time of voting. The distribution of EPICs, on the part of Election Commission, was a major step to reduce electoral malpractice. Only genuine voters were listed in the rolls with the issuance of voter identity cards.

III. Conclusion

The Election Commission has the credit of conducting number of commendable electoral reforms to reinforce democracy and increase the effectiveness and fairness of elections, over the years. There is no doubt that the election machinery which works under the aegis of the EC deserves recognition for conducting elections in a free and fair manner. However, our system is still plagued by many issues. Despite these precautions, political parties take to unfair means and corrupt practices to win the elections. The anti-social elements are encouraged to enter the electoral process by such maladies. There is a necessity to strengthen the EC and give it more institutional and legal powers in order to rule out unjust tendencies on the part of the political parties. The EC must be assigned with powers to punish the culpable politicians who trespass and breach the electoral laws.

The Election Commission attempts its best to eradicate out the virus called malpractice from the system. It is optimistic of strengthening and improving the working of democracy through free and fair elections. It has always devised better systems and is using advanced scientific technologies for maintaining the high reputation of the Indian elections. However, depending on the will of the political parties to adhere to and implement such reforms, the success of reforms can be monitored. An independent media and an enlightened public opinion are vital in pushing through such reforms. If people vote according to their convictions and punish those who infract the rules, corrupt practices will automatically disappear and this will go a long way towards enabling democracy to flourish and grow to its full capacity.

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