Need Of Electoral Reforms In Strengthening India's Democracy

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Abstract: This article will analyse the role of the electoral reform in making India a vibrant and sustainable democracy in the world. With the passing of time election commission of India has numerous challenges in strengthening the India's democracy. Still India's democracy has thriven successfully. In achieving this mammoth success many changes occur in the electoral reforms. This article will analyse these challenges faced by India. Recent time populism, hate speech, casteism, and communalism are the biggest threat to the democratic structure of India. This article will analyse how the electoral reforms has helped to tackle this kind of the politics of winning election in India.

Keywords: Electoral reform, Democracy, Populism, NOTA, Electoral bond

Introduction

India is the biggest democracy in the world. Being the largest democracy in the world, it is common that the government in the country will be elected by its citizens. It is very much needed to have the people participation in the governance. So, how will we ensure people's participation for this we will have to ensure the information regarding government working should be Imparted to the people. Information is the key to democracy. India with 1.4 billion population in which almost 900 million people participate in 2019 election through the electronic voting machine. A democratic country means citizens exercising the power to elect their leader. Election thus becomes the life and blood of the India's vibrant democracy. To conduct a free and fair election with the transparency is the need of a vibrant democracy. The Indian electoral system was free from any major changes till fourth general election in 1967. The need to make necessary changes in the electoral system appeared first time in 1971 and thus from that it has many changes made in electoral system. Here I will analyse the need of the electoral reforms in making India a vibrant democracy in the world. Why we need to have changes in the electoral system.

Electoral reforms in India

Electoral reform means having a free and fair electoral system for conducting transparent election and strengthening the current systems to enhance and increase the efficiency of the same.[1] This could be successful only if there is a co-ordination among the people, political parties, electoral machineries at all levels.[2] Since 1971 many reforms were made in electoral system. They are Tarkunde committee report of 1975, Goswami committee report of 1990, the election commission's recommendation in 1998 and Indrajit Gupta committee report of 1998 bringing major recommendation in electoral system. A few reforms have been accepted by the government like lowering the age of voting from the 21 years to 18 years, amount of security deposits increase from Rs.500 to Rs.10,000 for general constituencies. For the reserved constituencies it was increased from Rs.250 to RS. 5000, introduction of electronic voting machine, and making the candidate from the Lok Sabha and State Assemblies to declare their criminal background, economic status and educational qualifications. Despite of all this lot has to be done to make the electoral practises more flawless and transparent so that our democracy could be stronger and more vibrant. Money power has played a measure role in election and is working even today. Suggestion to curb this money power is to provide the state funding to the candidate to reimburse their poll expenses. This kind of measures have been taken in the states like France, USA, Canada, Israel, and Germany etc. in this if a political party is able to pull minimum percentage of votes polled is entitled for subsidy. Muscle power is the other tool by which voters are influenced.

The introduction of the NOTA None of The Above in electronic voting machine is a very good initiative by the election commission of India through the electoral reform. There is a need to spearhead the NOTA. The negative vote should be given more importance. If the number of votes polled in this category is more than half of the total vote polled then in that case there should be re-election and all the candidate should be suspended from the voting for 6 years. The election commission should nullify that particular election and there should be fresh election with the new candidates. Besides these there is a need to fix the maximum age and educational qualification for contesting election. The anti-defection law passed by the parliament in 1985 to curb the malpractices in the election has lost its legitimacy today.[3] This law has many challenges before it to address the political parties' loyalties of the elected representative.

With the onset of 1990s, Election commission of India has taken many initiatives to maintain the electoral process more vibrant in having fair elections and in consolidation of India's democracy. [4]T.N Sheshan has been credited for taking exemplary steps in making this dream a successful one in 1990s. Model Code of Conduct was effectively introduced by the Election Commission of India by the 2014 last. Mere introduction of Model Code of Conduct was not enough. It was necessary to be successfully implemented but this was relying at the whim of Chief Election Commissioner. To curb this, election commission introduced voter list with photo to capture the bogus voting in election. ECI has started the mission to link the Voter Identity Card with Aadhar Card to clean up electoral rolls. ECI has also ensure that paid news and filling of false affidavit will be punished for two years in imprisonment.[5] The financing of the elections has become the measure challenge in the electoral process. The expenditure in the election by the candidates has overstepped the limits sets by the election commission of India leads to widespread corruption.[6] The introduction of VVPAT (Voter Verifiable Paper Audit Trail) in 17th Lok Sabha election is the measure initiative to curb the malpractice in the election. It is used to check the vote polled by the voters goes to the respective candidates or not. During the 17th Election C- Vigil app was introduced to empower citizens. This helps them to geotag pictures and report the case of violation on the designated portal. There was assured action within the 100 min limits after reporting. such kind of endeavours helps India's to strengthen towards more vibrant democracy in India.

Why Electoral Reforms in Present Times

There is the greater need of electoral reform in present time. Today, India's political culture is tainted by the populism, sectarianism, jingoism and confrontational politics. Election commission of India needs to curb these flaws in the elections. Use of money power to entice the voters with the short-term benefits is problematic for the healthy democracy. Some of the major challenges before the election commission of India are as: -

Populism and Elections

Populist leader make people think them as the eradicator of their all perils. They portrayed themselves as their messiah, protector of the masses and panacea for their all perils. They are often against the establishment. Prime minister Modi used the term Revadi Culture for promises made by the populist leaders before the impending elections. He termed the Revadi Culture very dangerous for the development of the country. Modi used "Revadi" a popular north Indian sweet often distributed during festivals, as a metaphor for freebies being promised by the different political parties to sit on the throne of political power. Modi said that attempts are being made to revert a culture of garnering votes by distributing Revadis. Revadis don't make new expressways, defence corridor and airports. We need to remove this Revadi Culture from the healthy democratic system. Modi's aim was to target the parties that have been resorting to populist ideas before the elections.[7]

Election Commission of India is less equipped in dealing with freebies although Election commissions has planned to put forward a consultation paper which will details the cost of parties promised and how they will meet those expenses ahead of the assembly's election. It means freebies promised by the parties need to be explained to citizens. The idea is to build a physical and financial quantification of the promises. ECI is planning to bring the topic of financing and planning into the ambit of political discourse. There are no such laws or legislation to define freebies or welfare. There are cases pending before the supreme court of India for hearing regarding these populist promises. In such case the role of election commission becomes more crucial. Election commission of India says that they can't stop parties from making promises thus it makes the election promises by the populist leader and party vulnerable for having a free and fair election.[8] Time has come to make the appropriate legislation on the line of FRBMA, 2003 (Fiscal Responsibility and Budget Management Act) that puts a cap on fiscal deficit. If such kind of cap is introduced on populist announcements based on the proportion of budgetary resources of a party. This help in levelling the playing field and putting a check and balance on the populist measures. It will also aware citizens not to fall in the fake promises made by the different political parties.

Thriving of Secret Bonds: Electoral Bond

Electoral bonds are the secrete bond based on the promissory notes that can be bought by an individual and the companies from the state bank of India for donation to the political parties. This electoral bond bought from the bank didn't bear the name of the donor. This scheme was introduced by the Minister of the Finance Sri Arun Jaitley in 2017 and was notified in 2018. The aim behind these bonds by the government was to eradicate the menace of the unaccounted money coming into country's economy. The government opines that it will make the political donation transparent. Under these scheme bonds are available to bought by any SBI bank in the multiples of Rs 1000, Rs 10,000, Rs 1 Lakh, and Rs 1 Crore and be bought through a KYC- Complaint account. Any party registered under Section 29A of the Peoples Act, 1951 (43 of 1951) and having secured at least one percentage of the votes polled in the recent election and the state election are given a verified Account Number by the ECI. The donor can donate bond to the party of his choices. Political Parties can cash the bond in 15 days. These bonds put a series of question regarding the transparency of the Election process.[9] From the March 2018 to April 2022, over 1800 bonds have been bought amounted to Rs 9,800 Crore as per Association for Democratic Reforms reports. Among all the bonds donated to the different political parties the biggest share goes to Bhartiya Janta Party worth Rs 1450.89 crore.[10]

Election commission of India is worried about the electoral corruption that has taken places due to the anonymity of these electoral bonds. EC has raised its objection regarding the government decision of electoral bonds and filed Counter- Affidavit. EC has raised its concern regarding opaqueness in the political funding. EC didn't find satisfying the amendment made in the Section 13A of the Income tax act, which grants anonymity of the electoral bond donors, making voluntary donation over 20,000 INR. Change in the section 236 of the Finance Act a provision added to the finance act under Section 2(1)(j)(VI) of the Foreign Contribution Regulation act,2010. This Act allowed the contribution received from those foreign companies having the majority stakes in the Indian Companies. Election commission is worried about influence of the foreign companies in moulding elections in India. The finance Act of the 2017 was also modified under Section 135 of the Finance Act and corresponding Amendment in the Section 31(3) of the RBI Act 1934. This finance Act allowed to amend RBI Act so as to allow Central Governments to have power to authorise any Schedule bank to issue Electoral Bonds without being review by the RBI. These are current challenges faced by the ECI in India.

Criminalisation of the politics

In India any person accused of any crime is not guilty till the time it is proved in the court. The rate of politicians being proved guilty is 6% in the criminal cases. This meant a large number of politicians involved in criminal cases goes unpunished and thus allowed to contest election. As of the *Amicus Curiae* (Friend of a court) a total number of 4984 cases are pending in the various court of India. Amicus curie was appointed by the Supreme Court of India to setting up special courts to settle the cases pertaining to MPs, MLAs.[11]Indian constitution doesn't specifically describe as to what disqualifies a person from contesting elections for the Parliaments, Legislative Assembly or any other legislature. Although the Representation of the people acts 1951 mention certain criteria for the disqualification of candidates from the election. According to section 8 of the Representation of the Peoples Act 1951 an individuals punished for 2 years imprisonment could not contest election for the 6 years. These laws didn't bar the candidates having criminal cases pending against him\her in the court. This is the biggest loophole.

In *Anukul Chandra Pradhan, advocate of the Supreme court vs Union of India*, apex court noticed that criminalisation of politics is bane to the society or to the healthy democratic structure. This criminalisation of politics has serious effect on the health of the India's democracy. This provides hurdles in the practises of the free and fair election process. Supreme court in *L.R Shivaramagowde vs P.M Chandrashekhar* case states that the commission can go into the correctness of the account of election expenses filed by the candidate and disqualify a candidate under section 10A of the Representation of People act 1951 in case if it is incorrect. Prevalent of the muscles and money power in the politics dwindle the faith of the people in the democratic structure if not tackle. To tackle this various committee like Dinesh Goswami Committee, Indrajeet Committee has given the recommendation that there should be state funding of the elections this will help in curbing the black money thus help in curbing the criminalisation of the politics. The power of the election of India should be strengthen. Voter should be made aware of the about the misuse of the money during the time of election. In the Public Interest Foundation & Ors. Vs. Union of India 2018 case, Supreme Court has given onus to parliament to make a law tackling the criminalisation of politics to clean the political system of India. Judiciary should also take proactive measure to curb the malpractices in the election.

Caste based Politics

Electoral democracy emergence in India has formed a fertile ground for the politics. British viewed caste in India as a prism to understand India's social reality. They justified their rule in India on the ill of the caste system. Modern constitution in India abolishes the caste system in India. The mobilisation of people on the basis of the caste system represents what Myron Weiner refers as a co-optation. According to the Rajni Kothari. Politicisation of the caste, in India played a vital role in developing the politics of the parties in India. He showed how caste and politics and vice-versa is complementary to each other. Politics in India

has also witnessed what M.N Srinivas called Sanskritization. Srinivas has pointed out that the dominant caste in India has accumulated more power in Indian politics. They are numerically strong too. Politicians use caste as a handy tool to use in the election. Some middle and lower class in India tried to emulate with the upper caste through the medium of the Sanskritization. To cope with this problem Constitution provides reserved seat for the upliftment of the lower caste. Art 15(4) of the constitution provides special arrangements for the Schedule caste and Schedule caste. Mandal commission set up by the Janta governments to recognise the socially and educationally backwards caste. The caste system rather than individual becomes the important. It basically defines the backward class in the form of the caste. Thus, Christopher Jaffrelot has rightly observed that class started transforming caste relation in India.

Caste politics in the last three decade have become prominent in winning election. Desire for winning election on the caste line rather than substantive agenda has become prevalent by the political parties. Although election commission has banned campaigning based on the caste line, it needs to aware the voters to cast their votes not on the basis of the caste but on the basis of developmental model.

Legislative Measures

Some of the measure taken by the legislature to curb the malpractices through the legislative measure are as; under the Rule 90 of the Conduct of Election Rules, 1961, a candidate contesting Lok Sabha polls can spend up to 70 lakhs and Rs 28 lakh in assembly election Rs 28 lakh, depending on state in which he/she contest. A private member's bill was introduced to parliament which intends to sway the cap on election spending by the candidates. The idea behind this move was that it will encourage the candidate to report the spending in the election. In 2003, a law was passed after the *Tehelka* scam by the parliament. According to this law donations made to political parties will be 100% income tax free for donors. Election Commission has issued a statement in 2019 that banned the broadcasting of exit poll result before the final phase of the election. Ambit of the vote through the postal ballot has been increased. Previously only defence and Indian staff in mission abroad were allowed to volte through the postal ballot now there are 6 categories included in this list. They are as; service voters, special voters, wives of the special voters, wives of the service voters, voters subjected to preventive detention, voters on election duty and notified voters.

There are some measures taken by the election commission to make electoral process more Vibrant these are introduction of the Political Parties Registration Tracking Management system (PPRTMS) through this initiative an applicant can trace the progress of his application. To make India truly a participative democracy by engaging all the eligible voters to participate and make an informed decision during the election SVEEP's (Systematic Voters Education and Electoral Participations) programme was introduced. The aim was to build the stronger democracy by the participation of all.[12] Introduction of NOTA (None of The Above) in People's Union of Civil Liberties versus Union of India 2013 case was remarkable achievements.[13] Right to negative was acknowledged. Aim was to enable voters who do not want to vote for any candidate to exercise such power it was introduced.

Challenges before Election Commission of India (ECI)

Misuse of government machinery is the major challenges before the ECI. It is found that during the election time government machinery becomes the propaganda machinery of the ruling party. Ruling party use the government machinery for their own benefit. They used government machineries for the surveillance on the opposition party and for their election campaigning. This is the gross use of the state fund for the personal benefit.[14] The use of caste, communalism, and religious fundamentalism is a great threat for the Indian democracy. The Indian political spirit of the pluralism has a direct threat from religious polarization. Lack of the law pertaining to the hate speech and rumour mongering is the serious problem before the ECI. Election Commission has to resort to the Indian Penal code and Representation of People Act 1951 to ensure that political party didn't make any statement causing upheaval in the society. Although the Model Code of Conduct asked the candidate to not engage in the hate speech but this is not enough because the Model Code of Conduct (MCC) is not legally binding.[15] The use of official machinery by the ruling party at the cost of the state funding like advertisement on highlighting their achievements, allocation of the funds at the discretion of the ministers, use of government vehicles for showcasing during the elections etc.[16]

Paid news is another serious problem faced by the election commission of India. According to Press Council of India, Paid news is defined as "any news or analysis appearing in any media (Print and Electronic) for a price in cash or kind as the consideration. This paid news has serious impact on the voters as it hampers the ability of the people to build correct opinion. This also affects Right to Information of the citizens. It also imbalance the equal playing field for the opposition. Although amendment has been made in the Representation of the People Act 1951 in which publishing of the paid news to for hampering the prospects of election of any candidate or prejudicially effecting the prospect election of any candidate be made electoral offence. This will punishable under chapter -III of Part VII of RP Act 1951 with a punishment of minimum two years imprisonment. During the 17th Lok Sabha election in 2019 there was around 120 case registered pertaining to paid news offence. Due to not having any effective law menace of paid news are unleashed. This use a large amount of black money as it is not in the ambit of total money spent by political parties in election.

The pressure on Election Commission by the ruling government during the election is a serious concern. This has put forth serious question on the credibility of the EC. Biased role of some Election commissioner during the election have affected its credibility. The bypassing of the Anti- Defection law 1985 is another problem. The horse trading during the Rajya Sabha election has reflected loophole in Anti -defection law. The recommendation of the law commission of India (255th Report on Electoral Reform) to strengthen these are the challenge the needed to be tackled by the election commission to make the election process in India fairer and more transparent.

Outlook

The most indispensable feature of a democratic polity is to hold election at regular interval of time with free and fair election. This provides the legitimacy to the government. Election is also a medium of the political awakening of the people in India. Periodic election will make the people's trust on the democracy. This also contributes in having free and fair election and consolidating democracy. To have a free and fair election we need to have reforms in the electoral process. These electoral reforms are necessary for the healthy democracy, establishment of the acountable government in the country. Electoral reforms need amendments from time to time to make Indian democracy sturdy.

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