



# Electoral Reforms And Indian Democracy: An Analysis

Gopinath Ruidas, PhD scholar-

Kazi Nazrul University, WB

Faculty of Raniganj girls' college

(INDIA)

## Abstract

Elections play a crucial role in the political system of every nation. Elections determine what the future will hold for the nation for the upcoming five years. In India, elections are a crucial part of politics. As technology progresses and increase in globalization necessitate a transformation of the electoral system, since the previous approach has led to significant corruption, Casteism and violence persist; India lacks an adequate management system for conducting elections, which is followed by their consequences. Due to a shortage of staff members, India conducted several elections that demand a significant amount of funding. The Polling Event the Commission of India has periodically implemented numerous reforms in the management of elections throughout the nation. Beginning from paper ballots to electronic voting machines, proxy voting for NRIs and service voters, implementation of limited rights to rejection via NOTA (None of the Above), implementation of Voter Verifiable Paper Audit Trail for strengthening clarity in the election process, Implementation of Voter Photo ID card to prevent impersonation and fraudulent voting, management of elections overseen by ECI and Central Police Forces, along with the establishment of a model code of conduct (MCC) we continue to encounter several issues that necessitate electoral reforms for a democratic India when a qualified Candidate wins the election; we must enforce sections 125A and 126 of the Representation of People Act 1951. Restricted paid news with election connection, restricted government sponsored advertisement, moratorium on exit and opinion polls on news media. We need to add prohibition over antonym donation over political parties and many others. This paper evaluates need, issues and challenges for electoral reforms in India.

**Keywords** – Elections, electoral reforms, corruption, lack of proper management system, Election Commission of India.

## Introduction

India has the distinction of being the largest democracy in the world. A successful democracy is based on free and fair elections which are an integral part of a democratic system. With a vibrant democracy, the electoral system in India is quite vast. People elect their representatives at several levels beginning from local bodies and Panchayats to the Parliament. As a result, the nation has an extensive electoral process. Since the initial general elections in 1951–52, the electoral system in India has served as the foundation of its democratic structure. Nevertheless, throughout the decades, growing regional inequalities, obsolete boundaries, disproportionate representation, and the escalating. The impact of financial resources and physical strength has revealed significant weaknesses in the existing system. As

India persists to change demographically and politically, there is an increasing demand for thorough electoral reform to promote enhanced equity, openness, and balance in representation.

The main goal of electoral reforms is to guarantee that the elections, which are the foundation of the democratic process, are devoid of misconduct, corruption, and outside influences. Although India's electoral system is now acknowledged worldwide for its magnitude, inclusivity, and technological progress, it hasn't always been like this. From the early difficulties of voter disenfranchisement within the intricate landscape of modern politics, India's electoral framework has encountered multiple difficulties. These obstacles have required a sequence of legislative, technological and process changes designed to enhance the electoral framework.

## Literature review

**Singh G (2022)** in his research paper, "Electoral Reforms in India: Issues and Challenges in Present Scenario," has aimed to highlight the various proposals and directions provided by committees set up by the Indian Government to ensure free and fair elections. The different measures implemented by the ECI to prevent corrupt electoral practices have been outlined. The electoral reforms by the Law Commission in its reports from 1999, 2014, and 2015 have been emphasized. The different challenges in India's electoral politics include money and muscle influence, the criminalization of politics, the exploitation of government resources, caste-based discrimination, communal tensions, insincere candidates within political parties, and a lack of moral principles in politics. The different actions implemented by the Government regarding electoral reforms and creating a Model Code of Conduct to ensure fairness among candidates during elections have been outlined.

**Bhattacharya S, Sachdev B.K. (2021)**, in their scholarly article "Electoral Reforms – The Path to "Strengthen Indian Democracy" has claimed that the traditional electoral system has resulted in large-scale corruption, brutality, and caste discrimination. We require a transformation in the electoral system; several reforms are necessary. Several reforms have been presented by the ECI to conduct elections that are commendable and praiseworthy like the introduction of EVMs replacing ballot papers, offering voters the NOTA (None of the Above) option during voting, Electors Photo Identity Card (EPIC) to avoid impersonation and fraudulent voting, Voter Verifiable Paper Audit Trail (VVPAT) to enhance voting transparency, proxy voting for NRI and service voters, conducting elections under ECI oversight and Central Police Forces, along with the implementation of a Model Code of Conduct (MCC). Utilization of Sections 125A and 126 of the Representation of People Act 1951. Limiting compensated news related to elections, limiting state-funded advertising, control on departure and surveys regarding news outlets, restrictions on contributions to political organizations etc. To investigate, a combination of two of the typical applications of social sciences research tools are utilized. The goals were to understand the electoral system in India, justifications for the necessity of electoral reforms in India, modifications implemented in the voting system throughout the years, and ways to address the issues of electoral reforms. Several Proposals have been made to implement electoral reforms.

**Malviya M.K; Rana R. (2020)**, "Electoral Reforms: A Critical Requirement for Indian Democracy," in their

Research papers have indicated that in a democratic framework in India, elections hold a crucial and essential component of politics. Elections can occur openly and justly without interference only with robust democratic governance. The Election Commission of India (ECI) fails to operate effectively and as a result, the electoral process is influenced by several factors within the democratic system. An extremely pressing requirement for efficient and effective electoral reforms are needed, as has also been proposed by several government committees to enhance the existing electoral regulations and for that various reforms are required in the Indian electoral framework. Electoral reforms are necessary because of political dynasties, the utilization of funds and physical strength in elections, political crime, electoral violation of compensated news, abuse of caste and religion for political gain, exploitation of government resources, influence of prejudice Media, lack of ethical principles in politics, current anti-defection legislation. Various actions have been undertaken by the Administration to enhance the

voting system such as implementation of electronic voting machines, voter-verified paper audit trails, Model Code of Conduct. The voters must be aware of their responsibilities and choose the appropriate candidate rather than voting based on the foundation of caste or faith. Numerous proposals have been made to enhance the electoral process or system, functional, seamless, clear, and proficient.

(Kumar, V, 2020) - This author discusses India's electoral system, which was established on the principle of universal adult suffrage and the First-Past-The-Post (FPTP) system, it has enabled the operation of the globe's most extensive democracy. Amid rising worries regarding the criminalization of politics, improper use of funds and muscle influence, election tampering, commercially biased reporting, and lack of transparency in political financing emphasize significant structural deficiencies. Reports indicate that a large portion of elected officials have criminal histories, prompting concerns regarding the validity and ethics of the legislation management. Electoral reforms are crucial for enhancing our democratic systems and boosting clarity in campaign financing, and enable voters via tools like NOTA, VVPAT, and the suggested right to repeal. Articles 324–329 of the Constitution, Representation of the People Acts (1950 & 1951)

### Objective of the Research Paper

The main areas of exploration in this paper incorporates

1. Election system in India
2. Why Electoral Reforms requires in India.
3. What alterations have occurred over the years in the voting system?

### RESEARCH METHODOLOGY

The research is a descriptive type of research and it is based on secondary data sourced from journals, books, research papers etc.

### Election Procedure in India

The Election Commission of India (ECI) is a permanent constitutional body that was established on 25th January, 1950. It is the guardian of free and fair elections in India. Post independence, the elections are held after every five years at the state and national levels to choose the representatives of the people and to elect the government. The Article 326 of the Indian Constitution deals with election to the House of People (Lok Sabha) and to the Legislative Assemblies of the state.

### Significant Electoral Reforms

Over the years, there have been a number of electoral reforms in India. The voting age was lowered from 21 to 18 years by the Amendment to the Constitution (Sixty-first Amendment) Act, 1988 and this enfranchised a whole new generation of voters. Under the Representation of People Act, 1951 a new Section 13CC was added, which provides that the officers or staff engaged in the preparation, revision and correction of electoral rolls for elections shall be deemed to be on deputation of Election Commission for the period of employment and such personnel, shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

Besides, the number of electors, who were required to sign as proposers in nomination papers for elections to the Council of States and Legislative Council, has been increased to 10 per cent of the electors of the constituency to prevent frivolous candidates.

## Introduction of Electronic Voting Machine (EVM)

An important event that changed the process of elections was the electronic voting machines (EVM) which were used on an experimental basis for the first time in Assembly constituencies in states of Madhya Pradesh, Rajasthan and New Delhi for the general elections in November, 1988, The Election Commission was empowered under Article 324 of the Constitution to use EVMs during elections and it successfully accomplished the vital task of the introduction of photo identity cards for all the voters in the country. This has been successful in weeding out the bogus and duplicate entries during the elections.

## The Concept of NOTA

The NOTA (None of the above Option) was used for the first time in the Assembly Elections held in five states in 2013. It was introduced in the Electronic Voting Machines after the Supreme Court delivered the landmark judgement in Peoples' Union for Civil Liberties vs. Union of India Case 2013. The option of NOTA upheld and recognised the rights of the citizens to not cast their vote to any political party while maintaining their secrecy during such abstinence.

## Challenges of Electoral System

While the electoral reforms indicate a positive transformation in the process of elections, the electoral system is still riddled with certain challenges. It is generally accepted that while the first three general elections were held in a free and fair manner, a plummeting of standards started during the fourth general elections in 1967. Today, many people even consider that the multiple issues plaguing the country are a result of the various challenges faced by the electoral process in India. Some of the most prominent challenges are

- **Money Power** There are three drivers of expenditure in elections viz. legitimate electioneering cost, party running cost and TV airtime cost. However, the accounted legitimate expenditure is a mere percentage of actual spending by the candidate and their corresponding political parties. Most candidates far exceed the permissible limit of expenses. Money power has a negative impact on our electoral system, substantially undermining the functioning of periodic elections. It leads to widespread corruption and is a major contributor to the black money economy.
- **Muscle Power** Pre-election intimidation, post election victimisation, riggings of any kind, and silent and brutal booth capturing is all fruits of physical power. In certain parts of the country, there are widespread reports of illegal and untoward incidents during polling. These destroy the essence of elections in a democracy as polls become rigged and manipulated.
- **Criminalisation of Politics and Politicisation of Criminals** It refers to a situation in which anti-social elements enter the electoral process by contesting elections, getting elected to the Legislature and consequently, occupying public offices. This happens due to the existing strong nexus between the criminals and some politicians abusing the loopholes in the present system. The presence of money and muscle power wins them elections, so that the criminal cases against them are not proceeded with. Political parties are also happy as long political parties field elections for funds and in return, provide them with political patronage and protection.
- **Misuse of Government Machinery** There is a general opinion that the party in power uses government machinery such as using government vehicles for canvassing, advertisements at the cost of the exchequer, disbursements out of the discretionary funds at the disposal of the ministers, etc. One example of such misuse was seen in the 2024 mayoral elections in Chandigarh when the Returning officer, linked to the ruling party, committed an unconstitutional act by defacing 8 ballot paper votes and declared the candidate of the ruling party as the winner despite lacking the majority. The Supreme Court of India overturned this decision, ordering the ballot papers to be examined by a judicial officer appointed by the High Court. The Court stressed the importance of safeguarding the fundamental principles of local electoral democracy and other such means to improve the chances of winning of their candidates.
- **Casteism and Communalism** There are cases of certain caste groups lending strong support to particular political parties. Thus, political parties make offers to win over different caste groups and caste groups also try to pressurise parties to offer tickets for their members for elections. Such acts lead

to rifts and communal polarisation in the country which pose a serious threat to the Indian political ethos of pluralism, parliamentarianism, secularism and federalism.

- **Lack of Moral Values in Politics** Political corruption in India has led to politics becoming a business. People enter politics with the agenda and hope of making more money while retaining their existing money and power. There are very few leaders who enter politics to make a difference in the lives of the people. The Gandhian values of service and sacrifice are missing from the Indian political scene.

### **Contribution of Different Committees in Electoral System**

A number of committees have been appointed to examine the issues and the major challenges affecting the Indian Electoral System. The committees include the Goswami Committee on Electoral Reforms (1990), the Vohra Committee (1993), the Indrajit Gupta Committee on State Funding of Elections (1998), the National Commission to Review the Working of the Constitution (2001), the ECI Proposed Electoral Reforms (2004), the Second Administrative Reforms Commission (ARC-2008) and the Law Commission of India.

All these committees pointed towards the divergence and irregularities in an election process and then made recommendations for its implementations. Despite several reforms initiated, these issues have still been paralysing the Indian Electoral System for decades.

### **Funding Reforms to Strengthen the Electoral System**

It is paradoxical that everyone including the Election Commission knows that the ceiling of the expenditures fixed for elections is just enough to cover up the small proportion of actual expenses. There are no means by which the Election Commission could check the expenditure done by the candidates and political parties during the elections. During the election period, the State and Central Governments embark on an advertisement spree in the guise of providing information to the public. The expenditure incurred on these is recovered from public exchequer. This gives the government in power an edge over the others.

**Electoral Bond Scheme** To tackle this issue and to enhance transparency in electoral funding, the Electoral Bond Scheme was launched in 2018. However, on 15th February, 2024, in the case titled 'Association for Democratic Reforms Vs Union of India', the Supreme Court held that the Electoral Bond Scheme was unconstitutional for violating the right to information of voters. The Court pointed out that financial contributions to political parties are usually made for two reasons as an expression of support and as a guide pro quo measure. Huge financial contribution may be made to influence policies. Therefore, the right to privacy of political affiliation does not extend to it.

### **Measures Taken By ECI**

Election Commission of India has also laid down a model that is Code of Conduct for the guidance of both the political parties and the candidates contesting elections. Some of these codes are

- After the announcement of elections, the ministers and other concerned authorities should not announce the financial grants in any form.
- Ministers, MPs and MLAs of the ruling party should not combine official visits with the electioneering work.
- The ministers and the other concerned officials shall not advance payments out of discretionary quotes after the announcement of elections.
- Criticism of other parties is to be kept confined to their policies, plans and their implementations, etc.

These set of norms have been evolved with the consensus of political parties who have consented to abide by the principles embodied in the said code in its letter and spirit. But the bitter truth is that these rules are openly flouted and never abided. The predicament is not the lack of laws, but their strict execution and implementation.

## Conclusion

Over the years, the Election Commission has conducted a number of laudable reforms to strengthen the democracy and conduct free and fair elections. However, there is still a lot that can be done. The Election Commission needs to be vested with more power and authority. It should have the power to penalise the politicians and political parties who disobey the electoral laws. There is also need of transparency in the party funding of different political parties. The introduction of mechanisms like the 'None of the above' (NOTA) option is a significant stride towards enhancing voter empowerment and ensuring accountability.

Electoral reforms are a part of elections held in a democratic country like India. India or Bharat is the largest democracy in the world. Various government committees have been formed to suggest electoral reforms in India, for free, fair, smooth, efficient, effective and transparent elections in India. The ECI has taken various measures in the direction of electoral reforms to curb the evils of holding elections.

We have a very successful experience with democracy over the 75 years. However, political parties have to rise above the age old methods of politics. There are many instances where people have rejected money and freebies given by the political parties. Rather political parties should compete with each other democratically to provide more and more benefits and social welfare programmes to the common people.

## REFERENCES

- Singh G. (2022), "Electoral Reforms in India: Issues and Challenges in Present Scenario", International Journal of Novel Research and Development (IJNRD), Vol.7, Issue 10, pp a311–a318
- Bhattacharya S., Sachdev B.K. (2021), "Electoral Reforms – The Road to Strengthen Indian Democracy", International Journal of Scientific Development and Research (IJSDR), Vol.6, Issue 4, pp 339-342
- Malviya M.K., Rana R. (2020), "Electoral Reforms: An Urgent Need of Indian Democracy", GIBS Law Journal, Vol.2, Issue 1, pp 22-29
- Kumar, R. (2020). An analysis of the 2019 Indian general election: Transition in political landscape and implications. Asian Review, 9(2), 131–150. <https://doi.org/10.24987/SNUACAR.2020.02.9.2.131>.

## BOOKS

- Pillai K.R., Kumar R.K.S., Nair P.S., Electoral Reforms Why and How, Kalpaz Publications, 2024.
- Ruparath R., Indian Politics Institutions and Processes, Rawat Publications, 2022.
- Agrawal M., Electoral Reforms A Step Towards Good Governance, Prabhat Prakashan, 2015.