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## Recent Electoral Reforms In India Until 2022: An Overview

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### Abstract

Indian parliamentary participatory democratic system is most beautiful and successful form of the government in India. Election commission is functioning effectively in coordination with the delimitation commission in conducting free and fair elections to parliamentary elections to parliamentary and assembly constituencies in India. Periodical elections were held at all levels including for local self-governments. Electoral reforms are very much essential to overcome the issues during the electoral process including choosing the right representatives without any influences. Electoral reforms are need of the hour to maintain the dignity of the voting right and to eliminate corruption from all possible levels. The efforts have been made to cover all the aspects of Electoral reforms.

**Key words:** election commission, elections, democracy, reforms, electoral reforms

Election reforms in India mean improvements and lawful modifications made to India's electoral procedures to enhance democracy, fair politics, selection of the best candidate for election and equal representation. Elections in India can be strengthened by making the election commission more powerful and empowered. In its 255th Report on Electoral Reforms, the Law Commission made several recommendations, including strengthening the Election Commission of India office to give the organization more independence and power. In this article, the historical background, constitutional articles on electoral reforms and measures taken by the Election Commission of India are focused.

## Electoral Reforms in India - Background

There are various challenges to free and fair elections in India such as:

- Candidates and parties with large amounts of money trying to manipulate elections.

- Candidates with criminal backgrounds may sometimes contest elections.
- Dominating Political parties give tickets to their relatives.
- A little choice is provided to citizens.
- Smaller parties suffer disadvantages due to bigger parties.

For this reason, there have been many suggestions for reforming the election system in India which include:

- Transforming FPTP system to PR system.
- Special provision to increase participation of women by at least 33%.
- Strict provisions to control election expenses.
- Barring candidates with criminal records to contest in elections.
- Ban the usage of caste and religious appeals in the election campaign.
- Law to regulate the functioning of political parties. Also, check the Types of Majorities in the Indian Parliament (Article 249) here.

Constitutional Articles related to Electoral Reforms in India:

Article 324: The Constitution entrusts the responsibility to supervise, direct and control the entire procedure and machinery for election and also for some other ancillary matters, to the Election Commission of India under Article 324.

Article 325: There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

Article 326: Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.

Article 327: Power of Parliament to make provision with respect to elections to Legislatures Subject to the provisions of this constitution, Parliament may from time to time by law made provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State.

Article 328: Power of Legislature of a State to make provision with respect to elections to such Legislature Subject to the provisions of this Constitution.

Lowering of voting age: The minimum age for voting was made 18 years from 21 years after the 61st amendment act of the constitution.

- **Deputation of Election Commission:** Personnel working on the task of preparing, revising and correcting electoral rolls for the elections were considered to be on a deputation basis under the supervision of the Election Commission for the period of employment.
- **Increase in the number of proposers and the security deposit:** The number of electors to sign in as proposers in the nomination paper for elections to Rajya Sabha and state legislative council was increased to 10% of electors of the constituency the security deposit was also increased to prevent non-serious candidates from applying for nomination.
- **Electronic Voting Machine (EVM):** These were introduced in 1998 for conducting elections in a better way. Know more about Parliamentary System in India here.
- **Listing of the name of candidates:** The candidates contesting in the election were classified into the candidates of recognised political parties, Candidates of unregistered & recognised parties and Independent candidates and their order was listed in this sequence on the ballot paper.
- **Disqualification on conviction for violating the National Honours Act 1971:** A person shall be disqualified from contesting elections to Parliament and state legislative assemblies for six years if he or she is found the violation of the National Honours Act 1971 for certain conditions like a dishonour to National Flag or National Constitution.
- **Prohibition on sale of liquor:** The sale of liquor is prohibited at all public places for 48 hours till the end of election polls. If found it may result in jail for 6 months or a fine of Rs. 2000.
- **The number of proposals:** A candidate contesting election for a constituency from a nonrecognized political party required proposals from at least 10 members belonging to that constituency.
- **Provision on the death of candidate:** If during elections, there occurs death of a candidate from a recognised political party, then the election commission asks the political party to nominate another candidate within 7 days from the date of issue of notice.
- **Time of bye-elections:** For conducting elections for vacant seats the time period for conducting bye-elections is six months if the tenure of the vacated seat is more than 1 year. On polling day, employers of various organisations are provided a paid holiday.
- **Restriction on contesting from constituencies:** A candidate can contest elections from a maximum of two parliamentary or two constituencies.

- Prohibition of arms near polling booths: Any unauthorised person is prohibited from carrying arms near polling booths.
- The period of campaigning is reduced to 14 days.
- The number of proposers and seconders increased for the post of President and VicePresident: The number of proposers and seconders for the post of President increased to 50 and for the post of Vice-President the number increased to 20.
- Voting through postal ballot: For persons who cannot come to polling booths, the postal ballot system was introduced. This provision was also extended to persons in the armed forces.
- Declaration of criminal records and assets: For a candidate contesting elections, he has to provide a declaration for any criminal case registered against him. He also needs to declare all the assets and liabilities during the nomination.
- Domicile and residency requirements changed for contesting elections from any constituency from 2003 onwards.
- An open ballot system in Rajya Sabha was introduced.
- Under section and other laws Amendment Act 2003, travelling expenses were not included in election expenditure. Page - 4 Download Testbook App
- Parties are entitled to receive donations for their election campaigns from any private organisation or individual. A single individual needs to report to the Election commission for donating more than 20000.
- Restriction on exit polls: Election Commission of India declares a particular time period during which exit polls cannot be conducted or declared.
- The amount of security deposit was further increased to 25000 for general category individuals contesting for Lok Sabha elections and 12500 for SC/ST category individuals. For contesting state legislative assembly elections, the amount was also increased to 10000 for the general category and 5000 for SC ST category individuals.
- Appellate authorities within the district: If a person is dissatisfied with the decision of the electoral registration officer, then an appeal first needs to be filed to the District Magistrate, Additional district magistrate, executive magistrate or district collector and later to the electoral officer.
- Voting rights to citizens of India living abroad: This was introduced by the representation of the people Amendment Act 2010. Persons living abroad who have not acquired citizenship in another country are eligible to vote in India.
- Registration of the electors' amendment rules 2013.

- NOTA introduced: The option of none of the above was introduced in cases where the voter is not satisfied with any of the candidates contesting the election. Read the Making of Indian Constitution article here.

Measures Taken by ECI • The Election Commission has recently taken several new initiatives, including the use of state-owned electronic media for political party broadcasts or telecasts, checking: o the criminalisation of political parties, providing electoral identification cards, o streamlining the procedure for registering political parties and requiring them to hold regular organisational elections, o 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
  - 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 antisocial 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.

The major recommendations of the Jeevan Reddy Committee are listed below:

- The Commission advocated a total ban on splits and mergers of political parties during the term of the Lok Sabha or Legislative Assembly. The Commission has recommended an adequate representation.
- Once a member has been elected on the platform of a particular recognised party, he must remain a member of that party until the House is dissolved.
- The Commission has recommended a sharp ten-fold increase in the deposits for independent and non-recognized party candidates in an effort to deter insincere people from running for office.
- A person should be disqualified from running in elections for the Lok Sabha or an Assembly if a court has ordered the proceedings of charges in relation to offences listed in the Representation of the People Act, 1951. This is the recommendation made by the Commission to stop the criminalization of politics. Tarkunde / J.P. Committee (1975) A committee was appointed to study and report on schemes for electoral reforms in 1974. The members of the committee were V.M. Tarkunde, M.R. Masai, etc. and it is known as J.P. Committee or

Tarkunde committee.

The important recommendations of the Tarkunde Committee are as follows:

- The election commission should be a three-member body.
- The minimum age for voting should be 18 years.
- The TV and radio should be placed under the control of an autonomous statutory corporation.
  - A voter's council should be formed in as many constituencies as possible which can help in free and fair elections.

Goswami Committee (1990) The major recommendations of the Goswami committee were as follows:

- In addition to giving the Election Commission the necessary authority to name investigating agencies, prosecuting agencies, and create special tribunals, the ordering of a re-poll or countermanding should be based on more than just the returning officer's report.
- The anti-defection statute has to be changed to limit disqualification to situations where an elected official voluntarily leaves their political party or when they vote or abstain from voting against party whips, directives, etc. solely when it comes to motions or votes of confidence.
- The speaker or the chairman of the relevant House should not make the decision about a member's ineligibility.
- The time limit for by-elections.
- Increase in deposits from independents.
- A check on advertisements in newspapers and strengthening of the election commission

Indrajit Gupta committee set up by the all-party conference in May 1998, submitted its report in 1999 with the following recommendations:

- State funding should be in kind, that is, no financial support is to be given to parties and also, part of the financial burden of the parties should be initially borne by the state.
  - Only political parties authorised by the EC shall receive state assistance in the form of printing supplies and facilities, time on electronic media, vehicles and petrol, etc.
- The income tax agency should require political parties to disclose their annual accounts.
- The parties should file a detailed account of the election expenses with the EC.
  - The Committee observed that the country's economic circumstances at the time of the report only permitted partial, not complete, state funding of elections. Study Major Committees in Indian Constituent Assembly here.

Recent Update: The Lok Sabha recently passed the Election Laws (Amendment) Bill, 2021. The bill aims to provide electoral registration officers with the authority to verify voters' identities by asking for their Aadhaar numbers.

First time voters can soon apply for inclusion of their names in the voter list even before they attain the minimum voting age of 18 years. With the recent amendments to the election laws coming into force on August 1, 2022, the new voters who complete 18 years on April 1, July 1<sup>st</sup> and October 1<sup>st</sup> of any given year and not just January 1<sup>st</sup>, will be eligible for enrolling as voters. All 17 years- plus youths who will be turning 18 on each of the qualifying dates can submit their claims in form 6 in advance, beginning from the date of draft publication of electoral roll. The special summary revision with reference to January 1st, 2023 as qualifying date has already been ordered, and the 17-year olds can start applying for inclusion in rolls since November 2022.

### Issues in Electoral Reforms of 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.

**Need for Electoral Reforms:** The removal of malicious people and malevolent activities has made electoral reforms necessary. The reason 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.

### References:

1. The times of India,
2. Election commission of India, Hand book.
3. Journal of Constitutional and Parliamentary Studies
4. General Election 2014 Vol. (Press Information Bureau)
5. Statistical Report of General Election 2019
6. Press Release 2015 5. Economic Times, 2019
7. Law Commission Report No. 255

