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**REQUIRED ELECTORAL REFORMS IN INDIAN DEMOCRACY**  
**- ISSUES AND CHALLENGES**

**Abstract:**

*India is the second most populous country in the world. Its vast population includes nearly 15 million first time voters, who are entrusted with an important task of voting for the right candidate who can run this Country. This democratic exercise, conducted successfully for years, despite such a huge population, is what makes India so unique.*

*Elections are an integral part of any Democratic country. India, the world's largest democracy, spends crores on elections. Unfortunately, our electoral reforms are filled with grievous loopholes which endanger the elections from being fair and free of impediments. This article emphasizes on the issues and challenges with the Electoral system and how they can be fixed and what we as general citizens can do.*

**The Issues:**

There has been a considerable decline in the standards of the general elections which have engulfed the right to fair elections. Money power, show of strength, caste and religion politics and many such issues are causing a rift in main purpose of the elections and the welfare of the people.

**Money Power:**

The dominance of a political party, now-a-days, is proportional to its money power. But how does money power impact the flow of elections? The black money of corrupt political workers is used as a means to garner votes from poorer and middle income sections of the society. The practice of 'notes for votes' has influenced many voters. Corrupt politicians make a point to show their money power by influencing poor citizens to vote for a particular party by distributing cash outside election booths or distributing freebies to citizens. The opinion of the public is purchased by cash and other 'gifts' which is playing a destructive role in our electoral system.

Another part of money power includes the endless amounts of cash flow on election campaigns. There needs to be a curb on the high cost of advertising and campaigning during elections. As we saw the massive rallies carried out during Uttar Pradesh elections and many such State elections which play a major role in influencing the public. While every party has the right to campaign, it is the splurging of public money via taxes or black money which is the problem. There needs to be a check on the donations that political parties receive and the source of funding for such grand campaigns that take place just before the elections. Most of the time candidates spend more than the permissible limit. These expenditures should be restricted. Transparency of the funding earned by political parties should also be probed. Donations by unknown sources and electoral bonds have made the funding opaque. Political parties should be asked to maintain a proper account of the funding received which should be approved by the Comptroller and Auditor General of India. This way the party's transparency will not be questioned and it will be easier for the citizens to trust the candidates. The corruption will also be lesser of a problem this way.

**Criminalization:**

This is one of the most controversial challenges in an electoral system. Unfortunately, political violence has become a norm during elections. Criminal elements like rape, intimidation, threat, lynching have crippled the hope for fair elections. Over the years, there has been a considerable increase with regards to the influence of criminals in the political arena. There is not even a single political party which does not have candidates with a criminal history. The Vohra Committee report was an effort to shed light on the nexus between politicians, bureaucrats and underworld dons and criminals. In this Report it was also claimed that some leaders became

the leaders of such underworld gangs and armed senas so that they could get elected in state assemblies, national parliaments and such higher posts.

Most of the candidates that are a part of the national or state cabinets have indulged in criminal activities, charged with heinous crimes such as murder, harassment, extortion, etc. As per a recent study, it has been concluded that at-least 43% of the new Lok Sabha members have a criminal record. However, there is no restriction or curb on the same. How can people, charged with or have allegedly committed a crime, be a part of our legislative system? The issue of eligibility of such candidates is yet to be questioned. This is one of the jarring problems with our country's electoral system. In the Public Interest Foundation & Ors. vs. Union of India<sup>1</sup> case, SC put the onus on the Parliament to frame a law to prevent criminalization of politics and take concerted efforts to cleanse the political system of the country.

Muscle power is another major hindrance in our electoral system. This includes pre-poll intimidation, post poll violence, rigging of votes and sometimes, throwing the EVM machines itself. As shocking as they may sound, all of these examples of violence have become a part of our election process.

Although in this case, the Supreme Court has taken cognisance of the disclosure of a candidate's criminal past, in the case of Association for Democratic Reforms vs Union of India and another, following which the Election Commission (EC) issued an Order, requiring the candidates to file affidavits for the same in the given format. However, we require more stringent reforms with regards to such candidates. Anyone committing any heinous offence like Rape, dacoity, murder, etc should not be allowed to be a part of the Parliament or State Assemblies. This was proposed in the by the law commission through their 170<sup>th</sup> report in 1999.

### **Misuse of Caste:**

Caste is a much-debated topic in our country. Even after several years of independence, our country still hasn't received freedom from this menace. The problem is not with any religion, the problem is with the people who use this religion as a means to garner votes from such religious communities. Dr. Ambedkar said, 'Nothing can be built on the foundation of caste'

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<sup>1</sup> Public Interest Foundation vs Union of India on 25 September, 2018, WRIT PETITION (CIVIL) NO. 536 OF 2011

but our politicians are doing just the opposite. The ideologies that were prevalent during the earlier times are still being used but for all the wrong reasons.

Firstly, the use of minorities as vote bank is the most predominant issue in recent times. Minorities have been used as tool for votes. Political parties make offers to win over such sections of the society. Take for example the Maratha Quota. Though it is not a minority, Marathas have been provided with quota under the Economically Weaker Sections quota or the use of Muslims to provoke disaffection against one party and creating a rift between two religions. In the name of development of the weaker sections or minorities, only appeasement politics is being carried on. Unfortunately, when caste comes into play, we as the common people also get into this fight. We forget that there are more topics that we need to consider during elections, which are far more important than caste. The Representation of the People Act, 1951 needs to be amended to solve this problem. The act can be amended to take deterrent action against those who resort to these kinds of actions and cause communal rifts for the sake of winning elections. Required action could include de-registration of such candidates or disqualification of such candidates on the grounds of polarization of castes.

### **Democracy within the Parties:**

We as citizens have a right to choose the candidates, we find credible. However, if the candidates chosen by the party itself have not proved their mettle, how can we choose such people. This is the case with many political parties today. Family members of political lineage of the political party are preferred over grassroot level party workers or the dedicated and hardworking. The dynasty politics continues to persist since 1999.

### **Regulating Political Parties:**

It is a desirable objective to market the polarization of political ideologies and reduce less serious political activities. The committee should progressively increase the criteria for eligibility for recognition in order to discourage the smaller parties from multiplying. The EC should be authorised to de-register such parties which don't contest elections.

### **Reforms Undertaken:**

The Courts and our election are working tirelessly to strengthen our country's electoral system. Although there are many reforms which need to be brought. In *People's Union of Civil Liberties vs. Union of India*<sup>2</sup> case the court ordered that - voters can enjoy "Right to Negative Vote" in the election process and directed the ECI to include the choice of "NOTA" in the ballot paper. Although that cannot be deemed as a good solution, it gives voters an extra option. Various committees have been set-up as well, for reviewing the electoral Reforms required.

Various Committees have been set-up to review the reforms required for making the election process much fairer and more reliable. Some of which include- Goswami Committee<sup>3</sup> on Electoral Reforms, Vohra Committee Report<sup>4</sup>, Indrajit Gupta Committee<sup>5</sup> on State Funding of Elections, Law Commission Report on Reform of the Electoral Laws, National Commission to Review the Working of the Constitution, etc. the key takeaways from the first and second committees and commissions are that there is need for reforms in anti-defection laws, the criminal nexus between politicians, financial transparency. Gupta Committee recommended that there must be state funding but in kind and that financial assistance should not be provided to the political parties. The Tarkunde Committee<sup>6</sup> recommended the minimum age of voting being 18, the election commission's constitution and that T.V. and Radio should be under the regulation of statutory corporation. The other committees provided for various other changes in the election system. The 225<sup>th</sup> Law Commission report recommended the strengthening of the Election Commission by providing it with more independence and less interference from outside parties.

Political parties should also rise above the politics and focus on discipline and morals. There should be more transparency and eradicate corruption and black money.

We as citizens also should be aware of the candidates we are about to vote for. One of the innovative steps taken by the EC is Systematic Voters' Education and Electoral Participation Programme (SVEEP). This programme helps increase the awareness of the voters and an effort to educate the voters about the elections and the candidates representing the constituencies. This would be of great help to all the first-time voters. The least we can do is try to find the best alternative who can help transform our society. As we are handed, we the responsibility of

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<sup>2</sup> *People's Union for Civil ... vs Union of India & Anr* on 27 September, 2013, WRIT PETITION (CIVIL) NO. 161 OF 2004

<sup>3</sup> Goswami Committee on Electoral Reforms, 1990

<sup>4</sup> N.N Vohra Committee, 1993

<sup>5</sup> Indrajit Gupta committee on state funding of elections, 1998

<sup>6</sup> Tarkunde / J.P. Committee, 1975

choosing the best candidate for our country, we must ensure that we know the past of the candidate we choose.

**Conclusion:**

Our country has a long way to go. Despite so many Supreme Court judgements and Committees being set-up, a lot of changes are yet to be made. This electoral system is prone to mischief. There are glaring discrepancies within our electoral system which prove to be a hindrance in the task of free and fair election.

Free and Fair elections are the very foundation of our democracy and we must protect it at all cost. The more we continue with our old practices, the less efficient our electoral system will grow. We need to protect our democracy by taking timely action against such issues. We need to start with cleaning the corruption in our system. Importance should be given to the eradication of criminal activities and voters should be free of fear in any manner possible. The step of eradication of black money and corruption and criminal activities will cure half of the problems that our electoral system faces right now. More transparency results in more trust within the voters. The more trust our voters will have on our election system and our political candidates, the more faith the people of this country will have on our democracy.

We need to focus on implementing the electoral reforms recommended and not just let it sit in between a stack of papers. These suggestions were given years ago, but till date only some have been implemented. There needs to be more stringent laws regarding all of these challenges that we face currently.

To conclude, a weak electoral system is the biggest threat to the sovereignty of our nation. We must protect the sanctity and purity of the elections and make it credible again.