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Electoral Reforms In India – A Study

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Abstract
Scholars of democracy are of the opinion that one of the most significant features of a mature democratic polity is elections at regular intervals. In fact the elections constitute the signpost of democracy. India being one of the democratic countries has adopted parliamentary democracy in post1947 era after partition and freedom from Britishers. The core ideas of the Indian constitution are bedrock of Indian democracy. The Indian democracy believes in the people and their political rights. It is in this context this article studies the importance of elections in representative and parliamentary democracy. It studies the importance of elections and the problems related to it. As free and fair elections are fundamental basis for success of any democracy. Thus, various committees were formed and laws have been passed over the period of time for the mechanism of free and fair elections and to make them flawless, all these committees suggest reforming the electoral systems. This paper evaluates need, issues and challenges for electoral reforms in India.
Keywords: India, elections, democracy, parties, politics, reforms, committees.

Introduction.

In the modern democracies the elections lie at the very heart of liberal democracy. There is no denial to this fact that it is only through elections that people in a democracy participate in public affairs and express their will. Likewise as we have always witnessed that it is only through the procedure of elections that power changes from one party to another peacefully and the authority of government gets clothed with legitimacy by constitutional methods. Thus as scholars and political scientist argue that the elections are the most important and integral part of politics in a democratic system of governance. There is a famous saying that 'politics is the art and practice of dealing with political power' and elections as argued by scholars is a process of legitimization of such political power in democracy. Similarly Democracy can function only upon the principle that the elections are free and fair and not rigged and manipulated. Such elections are effective instruments of 'ascertaining popular will both in reality and in form. As some political scientists claim that elections must not be the rituals calculated to generate illusion of difference to mass opinion thus it cannot survive without the most important factor or principle of free and fair elections. Likewise India is both the largest and one of the most populous democracies in the world. Nevertheless this apart, when we compare India to most of the developed democracies like USA and British of the world, problems of illiteracy, poverty, etc. still continue in India as is the case with most of the developing countries. There is no denial to this fact that the electorate is not only vast in India but also quite diverse that reflects in plurality of caste, religion, region, language, etc. of its social variety. Thus conducting periodic elections in India that having so much huge population; the country by encouraging large-scale popular participation is a stupendous task for any institution.

The Indian political system when we measure the success stories of Indian democracy have over all emerged positive over the decades but that does not mean there are no limitations in the system over all. There are scholars and policy holders who believe that the elections at present are not being hold in ideal conditions. The reasons put forth are man but a very significant one is enormous amount of money required to be spent on elections and by and large use of muscle power that is being used or needed for winning the elections both at the national and states levels. Although political scientists who have worked on Indian democracy argue that while the first three general elections that were conducted from 1952 to 1962 in India were by and large free and fair, however one could also see a discernible decline in standards began with the 4th general election that were conducted in 1967.

As no such events like manipulation and use of power were reported till the 1967 elections over all. However, over the decades, Indian electoral system suffers to some extent from serious infirmities that have been discussed by and large by all political scientists. The election process in India is the precursor of political corruption. The distortion in its working appeared for the first time in 1971 and especially those held in 1980s and thereafter. In fact it is believed that some of the candidates and political parties participate in the process of elections to win them at all costs, irrespective of their background. All these things were witnessed a strong reaction from public and intellectuals of the country. In fact the need to address such disturbing factors has generated a furious debate on electoral reforms in India. The Election Commission that is a Constitutional body was vested with the actual power of superintendence, direction and control of elections in India, has, from time to time, come up with concrete proposals/recommendations based on objective difficulties met in the conduct of smooth free and fair elections.

Over the decade's politicians irrespective of political affiliations, through the platform of their political parties and temple of Indian democracy i-e Parliament set up various committees for the purpose. All these committees had given vent to their desire for reform in India both at national and state level. Likewise the Governments have also undertaken certain redemptive measures based on the recommendations of various committees. Infact the process of reforms as well as the debate in this regard have almost been an on-going process over the last three decades and so.

Election Commission of India

The Constitution of India assigns the responsibility to supervise, direct and control the entire procedure and machinery for conducting the elections and also for some other subsidiary matters on the Election Commission of India under Article 324 of Indian constitution. At present, the commission of India constitutes the CEC and two Election Commissioners. The Election Commission has the power of superintendence, direction and control of all elections to Parliament and the State Legislature and to the offices of the President and Vice-President respectively. The data with the election commission of India show that there has been a marked tremendous increase in the total number of candidates contesting the elections in each successive election. This can be gauged by this fact that while in 1952, 1864 candidates contested for 489 Lok Sabha elective seats and it increased to 8026 in 2019 elections and more than eight thousands candidates were in the fray for 543 Lok Sabha seats all over the country. As far as the issue of electoral reforms in India is concerned, the overall focus has been the system that governs representation to the popular chamber in Parliament as well as to the various State Legislative Assemblies in India. The system of representation that India has adopted is "First-Past-the-PostSystem". This means that of all the candidates contesting, it is the one who wins largest number of votes as compared to all others individually, gets elected. And one of the central features of the Electoral System in India is that it is based on the Universal Adult Franchise enunciated in Article 326. It means that all the people who attain the age of 18 are eligible to cost the vote irrespective of caste, creed, sex and other differences.

Apart from the above, other function which also paved the way for electoral reforms in India include increase in the number of regional parties over the period of time as a result of multiparty system. Similarly there has been a substantial increase in the number of independent candidates who contests the elections and performs well. However scholars argue that this has impinged upon the stability of Government in power. Moreover, it is also true that this has also helped the phenomena of political defections, coalition politics over the past decades in India. For instance, the UPA and NDA governments are case of reference point.

Electoral Reforms in India

The preamble of Indian constitution aims to provide 'political justice' to the people of India without any differences. However, when the criminal elements are becoming a part of the legislature, then securing any form of justice, is a hollow promise of the governments. Nevertheless the sovereign of India is crippled some criminal elements who uses threat, intimidation, violence, even sexual assault and any other means to win the election at any cost.

All recent committees on politics and electoral reform have observed the criminalization in Indian political system almost unanimously. Criminalization of politics has many forms, but perhaps the most alarming among them is the significant number of elected representatives with criminal charges pending against them. The topic of electoral reforms has been taken up by numerous government committees in the recent past, including but not limited to:

1. Goswami Committee on Electoral Reforms (1990)
2. Vohra Committee Report (1993)
3. Gupta Committee on State Funding of Elections (1998)
4. Law Commission Report on Reform of the Electoral Laws (1999)
5. National Commission to Review the Working of the Constitution (2001)
6. Election Commission of India Proposed Electoral Reforms (2004)
7. The Second Administrative Reforms Commission (2008)

All these committees and reports in detail talked about the electoral reforms in India. The some important recommendations of these committees that they put forth in front of election commission of India to tackle the growing obstacles of conducting elections both at the state and national level can be summarized as under.

1. First and foremost the reports suggest that the money power in elections must be controlled and eliminated once for all because it set bad priority in democracy. There must be financial transparency in political parties so that the money that comes from other sources cannot be used to harm the democracy.
2. The practise of misuse of caste and religion for electoral gains must be avoided. The use of religion, caste, community, tribe, and any other form of group identity for electoral gain or for gathering political support should be banded for the large good of society.
3. The Election Commission of India should progressively increase the threshold criterion for eligibility for recognition as a political party thus the regulating the political parties in democracy is much needed step. For this purpose ECI must start the process of registration and de-registration of political parties.
4. More than anything else the country direly need of political reforms. One such step is to make political parties answerable and democratic in nature by having the internal democracy in political parties.
5. The most significant is having strong anti-defection law in India. The country direly need this law to control buying and selling of elected representatives by political parties for their selfish needs.
6. The ECI should be strengthened and giving equal constitutional protection to all members of the Commission in matters of removability. Above all creating a permanent and independent Secretariat for the ECI.

Besides these measures there are many other things that have been recommended by different commissions and committees to strength the democracy in the country.

Indian electoral Politics and their issues

There are numerous issues in the Indian electoral process which directly or indirectly influence the electoral politics.

Money and Muscle power: These are the serious issues in the Indian electoral politics, as in every election whether parliamentary, state assembly or local self government elections candidates have to spend unlimited amount of money for their election campaigning and publicity. Bahubali and criminal candidates uses their muscle power such as booth capturing (although this is very rare now) and threating, killing of the opponents are very common.

Misuse of Government Machinery: There is a common perception that the party who is in power misused government Machinery or agencies specifically at the time of elections such as E.D., C.B.I and other important means to threaten their opponents for winning elections. Another perception is that

ruling party is misusing public property, such as; government vehicles for canvassing, advertising and other means to improve the chances of their candidates winning.

Castiesm: Caste system in Indian political system is deeply rooted. There is a common consensus that a particular caste supports to a particular political party in caste based politics. Political parties offer tickets to candidates on the basis of castes for winning elections. Moreover candidates as well as voters try to pressurize political parties to offer tickets form their caste.

Communalism: One of the serious issues in Indian political system is Communalization of politics. In fact this is a very serious issue as well as threat to our nation, our national integrity, Secular, multicultural, Democratic, federal structure, sense of pluralism as well as CONSTITUTION of India. There are many political parties and organizations influencing Electoral process of India in the name of communal polarization through hate speeches and other communal activities.

Lack of Moral Values: It is commonly agreed that Indian politicians have no morals and ethics. As Realist Political thinker Morgenthou defines politics as "struggle for power" while Lord Acton says "Power tends to corrupt and absolute power corrupts absolutely" likewise corruption in Indian political system has led to politics like a business. Almost every politician doing work only for making money and thinking only for herself/himself. There is lack of ideology and morality in the mind of politicians. They are doing only such things which is beneficial for them.

Conclusion

Despite landmark judgements that were delivered by the Supreme Court and infact some serious efforts by the ECI over the period of time, the political system of India still continues to be prone to mischief. Political scientists in Indian context argue that to stamp out these tendencies, there is much need to strengthen and make the ECI stronger. So that it can punish errant politicians and defiant political parties that are in the political system. One can argue that the maintaining the sanctity of electoral process requires a multi-pronged approach. One such approach is including removing criminal elements in politics, introducing internal democracy and financial transparency in the functioning of the political parties. To achieve the objectives as enshrined in the constitutions and reported by the different committees from time to time it must be the endeavour of all the stakeholders including Government at national and state level, election commission of India, law commission, etc. to implement such proposals on electoral reforms on which consensus emerges, from time to time so that the people of India can cherish the real meaning of democracy.

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