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An overview of reforming electoral system in democratic India: Problems & prospects

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Abstract
India is a vast democratic country inhabited by more than hundred million people. The most imperative feature of a democratic polity is elections at regular intervals. Elections constitute the signpost of every democratic country. Elections provide an opportunity to the citizen to express their faith in the government from time to time and change it when the need arises. In India the electoral system and process have been disrupted number of time, for several reasons. In fact the electoral system in India contains many defects and here is urgent need of electoral reforms to transform the democracy. Hence this paper attempts to find out various defects of electoral system in India and encompasses some suggestions to reform electoral process in India.

Keywords: democracy, election, electoral system, electoral reform, India

Introduction
India is a vast democratic country inhabited by more than hundred million people. One of the most important features of a democratic polity is elections at regular intervals. Election can be defined as a system by which voters or electors, select their representatives by casting of votes. It is a cardinal necessity of every democracy and Right to Vote is a Constitutional right of its citizens. Elections constitute the signpost of democracy. Free and fair election is the sine qua non of successful democracy. Elections grant people a government and the government has constitutional right to govern those who elect it. Elections are the central democratic procedure for selecting and controlling leaders. Elections provide an opportunity to the people to express their faith in the government from time to time and change it when the need arises. But even after long years of election system in India, yet here and there has been strong criticism of this system in India. The electoral process have been disrupted number of time, there are several reason for this. In fact the electoral system in India is full of defects and here is argent need of electoral reforms.

Defects of Indian political system
India has experienced an epoch of elections for innumerable times and has undergone great transition crossing several upheavals, engrossed with numerous discrepancies. The way our legislature and State assemblies function, does not make us proud. One of the major causes for the unruly and unproductive functioning of the legislatures is the quality of people who find their way into the legislatures. The birth of scourges like communalism, corruption, under-development, poverty, etc. can be attributed to the unethical practices, our leaders indulge in.

- There persists a big swarm of burning issues hampering the democratic piousness and productive representation in our Indian society. The rampant issues bulging out as a handicap to election process are-Dominance of money power and Muscle power
- Criminalization of politics
- Financing of election exceeding the legal limit
- Booth capturing
- Intimidation of voters
- Buying Voters
- Tampered electoral rolls
- Large-scale rigging of elections
- Abuse of religion and caste in the enlistment of voters, etc.

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▪ First–Past-the-Post-System: Legacy of Colonialism

The elections today more or less have become an ambitious investment venture, where everyone wants to try their hand at. The journey of corruption in election process did not befall all of a sudden but gradually in a time span of several decades. Initially the requirement of money was felt for campaigning and since the majority voters were illiterate masses so, electioneering was required to be on a large scale. The candidates fetched support, aid and finances from criminals and muscle men. Generation and accumulation of money requires a robust support from the bureaucracy and these tend to encompass the bureaucracy too in the political web. After a while the criminals involved in non- bail able and cognizable offences themselves started participating in politics since they could easily win the elections by threats and coercion. The battle of ballot became battle of bullets. Therefore each and every step of election process is packed with loads of inaptness.

Criminalization of politics
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. In 2005 elections of Bihar, out of 385 candidates 213 were found to be alleged of non- bail able and cognizable offences. Obscuring of the facts and criminal records acts an as an impediment to the fair election process. In order to combat the said anomaly, the Vohra Committee Report on Criminalisation of Politics was constituted to spot the degree of the politician-criminal nexus and suggest conduct to combat the menace. It stated "The nexus between the criminal gangs, police, bureaucracy and politicians has come out clearly in various parts of the country and some political leaders become the leaders of these gangs/armed senas and over the years get themselves elected to local bodies, State assemblies, and national. During the 13th Lok Sabha elections candidates having criminal cases against them numbered 12 in Bihar and 17 in Uttar Pradesh. Although, whatever may be done to prevent a criminal from contending elections no single step is taken to put a restraint on the representatives who have already been elected, having a criminal record. Therefore, the law breakers are sitting in the parliament as law makers.

Financing of election exceeding the legal limit
The issue of financing of election exceeding the legal limit has adverse repercussion creating compulsion for corruption in public arena. The instance of "Hawala Scam" which unleashed several high profile politicians involved in the perpetrating booth capturing, rigging of elections and aiding dreaded criminals and muscle men. It would not be wrong to say that the whole superstructure stands on the infrastructure of corruption.

Booth capturing
The issue haunting the electioneering process is Booth capturing, by which the parties patrons try to manipulate and the number votes in their votes. The tampering of electoral rolls in the elections is done on large scale. To curb such activities the election commission has laid down guidelines to ensure if any booth capturing is going on the returning officer is to notify it to the election commissioner and apt decisions would be taken to declare the polling in that area to null and void.

Buying votes
The practice of enticing the voters by distribution of stuffs in cash and kind to the masses are done since they form the major chunk of the voter bank. To the extent they are also served with liquor and drugs to gather votes, thanks to the slothful and sluggish people. And if these tricks don't fetch votes then intimidation and coercion serves as the last resort. By manipulating, tampering of electoral rolls or by use of force, intimidation and coercion the process of rigging of election has been quite successful down the line of several decades. The National Election commission directed the returning officer, civil society and any person to intimate about booth capturing or any kind of rigging to the commission to take strong action against the perpetrator of anarchy under section 58 A of Representation of people Act, 1951.

Abuse of caste and religion
The question of abuse of caste and religion is of greater magnitude. The political parties tend to allow only those candidates to fight elections who can muster the minority groups and castes to their favor. Communal loyalties are used at the time of election campaigning to attract the minority voters. And it is very well observed that the electorates too cast their vote taking into consideration the case and religious prejudices. The National Election Commission also commended about the paradigm of 'Neutral Voting.' This concept states that if the voter does not find any candidate suitable, he may get the 'Right to Reject' also with the management of every EVM's (electronic voting machine) having option in the end as '*None of the above.*' The basic notion behind this paradigm is to bring transparency in the election process but it has not been implemented yet due to various issues involved.

First–past-the-post-system: Legacy of colonialism
One of the basic reasons for these many inconsistencies is the structural defect in the procedure of election. The process followed in our country is *first–past-the-post-system.* The ideal principle of election is the 'majority rules principle', whichever party gets more than 50% votes emerge out to be victorious in the polling. But the principal followed in our country i.e., the First-past –the-post-system is based on irrational ground. Since, according to this principle a person can win elections even if the margin is less than 100 votes and the party which gets just 30% – 35% votes will count to emerge victorious in the elections. Hence he or she cannot be the choice of majority.

Different committees on electoral reform in India
In continuance of the British legacy, India has opted for parliamentary democracy. Since 1952, the country has witnessed elections to the legislative bodies at both the national as well as State levels. The electoral system in India is hamstrung by so many snags and stultifying factors. Such maladies encourage the anti-social elements to jump into the electoral fray. Taking cognizance of these serious shortcomings several commissions came up with the proposal for reformation of Electoral process in India including Goswami Committee on Electoral Reforms 1990, Vohra Committee Report 1993, Indrajit Gupta Committee on State Funding of Elections 1998, Law Commission

Report on the Electoral Laws 1999, National Commission to Review the Working of the Constitution 2001, Election Commission of India with Proposed Electoral Reforms, 2004 and the Second Administrative Reforms Commission 2008. These committees first outlined the alarming divergence and irregularities of the Election process and then made recommendations for its implementation.

Our system was largely free from any major flaw till the fourth general elections (1967). The distortions in its working appeared, for the first time, in the fifth general elections (1971) and these got multiplied in the successive elections, especially in those held in the eighties and thereafter. Many a time, the Election Commission has expressed its concern and anxiety for removing obstacles in the way of free and fair polls. It has had made a number of recommendations and repeatedly reminded the government the necessity of changing the existing laws to check the electoral malpractices. The Tarkunde Committee Report of 1975, the Goswami Committee Report of 1990, the Election Commission's recommendations in 1998 and the Indrajit Gupta Committee Report of 1998 produced a comprehensive set of proposals regarding electoral reforms.

Suggestions to reform electoral process in India
Other than dealing with challenges faced in the election process, the Election commission lays down the model of Code of conduct, since it is the custodian of fair and free elections. But the harsh reality is that political parties never obey the code of conduct.

The predicament is not lack of laws, but want of any strict execution. In order to squash out this iniquitous inclination, there is a need to reinforce the hands of the EC and to give it more officially authorized and institutional powers. The EC must be delegated with powers to penalize the wayward politicians who go astray and disobey the electoral laws. The Commission has taken numerous new initiatives in the recent past. Prominent among these are, a scheme for Electronic Media as a medium for broadcast by Political parties, checking criminalization of politics, computerization of electoral rolls, providing electors with Identity Cards, un-complicating the formula for maintenance of financial records and filling of the same by candidates. A multiplicity of channel for stern compliance of Model Code of Conduct provided a level for contestants during the elections. And this is the rationale why the EC has been operational for the renovation of the election process since it came into motion. It is apparent from the varying electoral system is full of upheavals but the demand of time is to preserve and strengthen the Democracy.

The scandals and controversies that marked the 14th LokSabha and the recent events after the general elections in India were announced, where smaller and regional parties have held bigger parties to ransom over various issues like that of seat-sharing, have once again highlighted the urgent need of electoral reforms in India. Some of the recommendations given below have been widely discussed in various forums and have found acceptability among various policy-making organizations including the Election Commission of India. It is high time that the same are implemented in the earliest.

Abolish the first-past-the-post system
This has been amongst the most widely discussed electoral reforms in India. Multi-cornered contests have become a

norm in India rather than an exception due to the increase in the number of smaller and regional parties. There have been cases in the state assembly elections where a candidate has been declared winner with the victory margin of less than 100 votes. Apart from this anomaly, in most cases, a candidate wins the election by securing just 30-35 per cent of the total number of votes polled. Hence he or she cannot be deemed to be a choice of majority of the electorate. To overcome this limitation, the first-past-the-post system should be replaced with a two-stage electoral process. In this, a second round of election will be held if none of the candidates in the fray is able to get 50 per cent of the total number of votes polled in the first round. The two candidates who have obtained the maximum number of votes in the first round will fight in the second round. Whoever between the two gets more than 51 per cent of the total votes polled in the second round is declared the winner. Simultaneous elections for Union and state legislatures:

Currently 3-4 states in India go for elections every year. This undermines the working of the union government as the regime in power cannot take tough decisions due to the fear of a backlash in the next round of assembly election. Hence simultaneous elections will not only ensure that governments at the centre and the states carry out their responsibilities in a smooth manner but also curtail unnecessary election expenditure. The arrangement of simultaneous elections can be extended to the elections for the municipal corporations and other Panchayati Raj institutions.

Fixed tenure of elected legislative bodies with no-confidence motion followed by a confidence motion
This is another move that will curtail the unnecessary election expenditure and at the same time ensure stable governments at the centre and in the states. In case none of the parties or coalition is able to form a government on its own, the members of the house should together elect an executive head among them and form a cabinet that has representation from members of all political parties on the basis of the number of seats they have secured in the elections.

Decrease number of registered parties
This move is necessary because the smaller parties are far more vulnerable to "ideological shifts" and in this era of fractured mandates, hold the bigger parties to ransom for their narrow political gains. The election commission should be given powers to de-recognize smaller political parties on the basis of their performance. Another move to achieve this goal would be to increase the minimum number of primary members that are needed to form a political party.

Increase the amount of security deposit
This move is necessary to put a check on the number of non-serious candidates contesting union and state assembly elections. Such a move has been taken in the past and has shown desired results. However in recent times, the number of candidates fighting elections has shown an increasing trend and hence there is a need to review the amount of security deposit again.

Not allowing candidates to contest from more than one constituency in an election
This is necessary to curtail the unnecessary expenditure that

election commission has to make when a candidate contests election from more than one constituency and wins from all the constituencies he has contested from. The bye-election that is necessitated by the candidate choosing one seat and vacating others seats he has contested from will no longer be needed.

Use of common electoral rolls in the union and state elections

This move will put a check on the cases of people finding their names missing in the electoral rolls. This happens because different lists are prepared by the Election Commission of India for general elections and the state election commissions for the elections of the state assemblies and local bodies. The effort and expenditure that is, involved in making two lists for similar purpose will be greatly reduced.

False declarations in election affidavits an offence

This is necessary to ensure transparency about the profile of candidates contesting elections, many of whom have criminal cases going on against them on charges of heinous offence like kidnapping and murder. Anyone giving false information in the affidavits should be debarred from contesting elections for a minimum duration of five years.

Allowing negative/neutral voting

This will allow a voter to express his dissent by rejecting all the candidates contesting in his constituency if he finds none or them suitable to be elected. Currently a large number of people do not go to the polling booth because of their disenchantment with the candidates put up by the political parties. This is reflected in the falling poll percentages. Democracy in India will be strengthened if people participate in large numbers in the electoral process and have a choice to reject all the candidates instead of being forced to select one who they think is less bad than the others in the fray.

Ban on publication of exit/opinion polls results till voting is over for all phases

To ensure free and fair elections in India, the election commission holds them in different phases so that the available security staff is effectively deployed. Publishing the result of opinion poll on the earlier phases will have an impact on the voting pattern in the subsequent phases. Similarly, the opinion polls that are conducted before the election also influence the voting pattern. Hence there is a need to put a ban on the publication of the results of the exit/opinion polls conducted by various media agencies till all the phases of elections are over.

Make aware the younger generation

Electoral reforms are a must in India and to introduce these reforms, the younger generation and the middle-class need to be more sensitized hence making them more aware. To make the younger generation more aware about the electoral reforms it is necessary that the universities in the country produces more people who knows the art of playing with democracy. The beginning of electoral reforms should be first of all implemented at the student's union level because it is the nursery of political parties where various students' unions follow various political parties and is also supported by the political parties in various ways. Like strong roots is the major reason behind a huge tree standing tall and facing all the natural atrocities, in that same way electoral reforms should be implemented first from the roots i.e. the student's union.

Conclusion

Over the years, the Election Commission has conducted a number of laudable electoral reforms to strengthen democracy and enhance the fairness of elections. These reforms are quite adequate and admirable. Undoubtedly, the election machinery, under the aegis of the EC, deserves credit for conducting elections in a free and fair manner. However, our system is still plagued by many vices. To win votes, political parties resort to foul methods and corrupt practices. Such maladies encourage the anti-social elements to enter the electoral fray. The problem is not lack of laws, but lack of their strict implementation. In order to stamp out these unfair tendencies, there is a need to strengthen the hands of the EC and to give it more legal and institutional powers. Reform is no single time effort but a continuous process. The accomplishment of the modification would depend upon the operational compliance of the coordination of electoral machinery, the political parties, the candidates and electorate at all levels. By this not only the election system shall be improve but also democratic system shall develop and grow to its full capacity.

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