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## Electoral reforms in India: For a stronger democratic policy

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### Abstract

This article, 'Electoral Reforms in India: For a stronger Democratic Policy' throw light on the whollistic changes brought into the electoral systems in India. The article broadly discusses the political rights enjoyed and exercised by the people in the country as well as the role of political parties, national. Regional and local, in mobilizing public opinion to rose to power. The Author has tried to identify the role of Caste, Religion, Money and muscle power in influencing voters at the time of elections. The election Commission's initiatives to conduct free and fair elections to various elected bodies and positions across the country With new initiatives such as EPIC words, EVMs, VV pat's, NOTA, management of post-election disputes, election petitions etc. has yielded good results in Strengthening and improving the working of largest democracy in the world.

It was proved under various occasions that, our election commission, which is a plural body, to weed out the virus of malpractices.

**Keywords:** Electoral, reforms, stronger, democratic, policy

### Introduction

One of the most important Features of democratic policy is elections at regular intervals. Elections constitute the signpost of democracy. It is a medium through which the attitudes, values & belifes of the people towards their political environment are reflected. Elections grant people a govt and the govt has constitutional right to govern those who select it. Elections are the central democratic procedure for selecting & controlling leaders. It provides an opportunity to express their faith in the govt from time to time & change it when the need arise. It symbolizes the sovereignty of the people & provides legitimacy to the authority of the govt.

**If democracy has anything to so with freedom and freedom with responsibility then the electoral system might well be the very heart of democracy. Electoral systems include**

- a. Who should be allowed to vote;
- b. When should electoral rolls be prepared, revised and how?
- c. The formation, functional including funding...etc. of political parties
- d. Who can contest an election, results,
- e. Management of post-election disputes, election petitions, formation of the government and subsequent functioning of government including issues such as defection.

We are no doubt the largest democracy in the world in terms of population but can we be termed a functioning democracy? Atal Bihari Vajpayee once said, "The outer shell of a democracy is there, but it appears to be moth eaten from inside". 50 years after the first general election people have not been able to secure their basic needs, it means there are grave flaws in our electoral process and political institutions. The role of caste's mafia, money and muscle power has increased considerably. Corruption, Criminalization of politics and Communalism of politics has also become synonymous of electoral politics. Political parties fight elections to win and to capture power and not to fairness at the polls.

Today, the disease has spread right across the country our system was largely free from any major flaw till the fourth general elections (1967). This distortion 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.

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### Proactive role of election commission

Many a time, election commission has expressed its anxiety, for removing obstacles in the way of free and fair polls. The commission circulated its first code of conduct at the time of fifth general elections held in 1971. Since then, the code has been revised from time to time. It lays down guidelines as to how political parties and candidates should conduct themselves during elections.

a. Ministers and other authorities cannot announce any financial grant, lay foundation stones of schemes of any kind, and make promises of construction of roads, carryout any appointments in government offices and public undertakings which may have effect of influencing the voters in favor of a ruling party. Recently, the Punjab government which announced the budget for 2008-09 did not propose any new concessions because the code of conduct Rules was in force for the panchayat elections.

Despite the acceptance of code of conduct by the political parties, cases of violation have been on the rise. There is a general complaint that the in power at the time of elections misuses the official machinery to further electoral prospects of its candidates.

- b. During 2002 Punjab assembly elections congress accused the chief minister Prakash Singh Badal and his son, of corruption and bartering away the interests of Punjab. The election commission of India had to intervene to clarify that under the new model of code of conduct, personal allegations against the leaders were not allowed.
- c. During the 2003 Himachal Pradesh assembly elections the commission has issued strict instructions to the political parties to abstain from the use of plastic and polythene for the preparation of posters and publicity materials. But the political parties put a large number of publicity flags made of polythene.
- d. In June 2002, the Election Commission on the direction of the supreme Court, issued an order under Art 324 that each candidate must submit as affidavit regarding the information of his/her criminal antecedents; assets (moveable and immovable) of self and those of sponsors and depends as well at the time filing nominations.

But the political parties believed that the election commission and Judiciary are overstepping their powers. At the party meeting, held on July 8 2002, representatives of 21 political parties decided that the election commission order should not be allowed to be implemented. The Apex court gave its judgment on March 13, 2003 asserting its previous decision which required full disclosure by all candidates. The above order is an effective step to make democracy health and unpolluted.

- e. The statutory law relating to registration of political parties was enacted in 1989 because of non – serious parties mushroomed and got registered with the commission. Many of them did not contested election at all after their registration. To eliminate the mushrooming of parties, the EC had to take some rigorous steps. The Commission now registers a party which has at least 100 registered voters

/electors as its members and is also charging a nominal processing fee of Rs. 10,000 to cover the administer expense.

- f. Criminalization of politics is a grave problem in India. This menace begins in Bihar and gradually spread to every nook and corners the nation. During the 13<sup>th</sup> Lok Sabha elections candidates having criminal cases against them membered 12 in Bihar and 17 in UP. It has been rightly observed by J.P Naik. “Power is the spoiler of men and it is more so it countries like India, Were hungry. Slomaths produce power hungry politicians”. This leads to a very undesirable and embarrassing situation when law – breakers become law –makers and move around under police protection.
- g. To get rid of the growing influence of money during elections, The Commission has fixed legal limits on the amount of money which a candidate can spend during the election campanian these limits have been revised from time to time. During 2004 elections, the ceilvng limit for Lok Sabha seat varid between Rs 10, 00,000 to 25, 00,000. For Assembly reats, the highest limit was 10, 00,000 and the lowest limit was Rs, 5, 00,000. Election officers keep as eye on the individual accounts election expenditure made by the candidate during election campaign. The details are required to be submitted with in 30 days of the declaration of the election results. However, political parties do not strictly adhere to the financial Laxman Rekha
- h. With the 1993 constitutional amendment act, the EC was made a multimember body. The government took this step in the wake certain controversial decisions taken by the CEC, T.N. Seshan. Today, Chief Election Commissioner urged government to amend constitution to protect ECs. Chavla, in a letter to PM Manmohan Singh, has said Art. 324(5) to the constitution which deals with the protection to the CECs should be amended to also include the two election commissioners so that the Election commission could avoid facing the possibility of any “serious disrepute”. Chawla has referred to two “unwarranted episodes” in the past during the tenures of T.N. Seshan and N. Gopaldaswami to stress the need for amending the constitution.

In the first instance, the then CEC Seshan had challenged in the Supreme Court the appointment of M.S. Gill and GVG Krishnamurthy as ECs in 1993 and had refused to gave them away the work till the court dismissed his petition a year and half later. Seshan had contended that Art. 324 (5) put the CEC on a higher pedestal than the ECs and the latter could be removed from office on the former’s recommendation.

In the second instance, Gppalawami, citing Article 324(5), had recommended to the president that Chawla be removed as EC.

Recurrence of episodes of the nature described above cannot be ruled out in future, against bringing into serious disrepute and shaking the confidence of the millions of citizens in the integrity and neutrality of the commission. “It goes to the credit of the government under your sagacious leadership that the government refused to accept Gopaldaswami’s recommendation and the Honorable President was advised, and she chose not to accept his said recommendation”.

- i. The EC is trying to bring improvements in election procedure by taking the advantage of scientific and technological advancements. The introduction of EVM, we first tried in the state of kerala during the 1982 legislative assembly elections.

It is a major initiative taken by the EC to make electoral process simple, quicker and trouble free. Another advantage (major) of these machines is that the counting of votes becomes more fast and accurate. Now there are no invalid and wasted votes at all. It launched a website of its own on Feb 28, 1998 i.e., <http://www.eci.gov.in/>. It is a good source to have accurate information about elections, election laws, manuals and handbooks published by the EC.

Election commission in Aug, 1993, ordered the issuance of elector's photo identity (EPIC,) for all voters. A modest attempt to introduce photo identity cards was made for the first time in 1978 at the instance of the then chief election commissioner, S.L. Shakhder, in the case of elections to the legislative assembly of Sikkim. During the 2004 assembly elections; it was made mandatory for people possessing EPIC, to furnish it at the time of voting. It was a major step to reduce electoral malpractices.

- j. Ban has been put on publication on opinion polls results till voting is over for all phases to ensure free and fair election, the election commission hold them in different phases so that 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.

**Apart from the code has been revised from time to time by the Election Commission, for a stronger democratic policy, following factors need to be considered.**

1. Abolish the first-past-the-post system. This has been amongst the most widely discussed electoral reforms in India. Multi-concerned 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 is less than 100 votes. Apart from this anomaly, in most cases, a candidate wins the elections by securing just 30-35 percent of the total numbers of votes polled. Hence he or she cannot deem to be a choice of majority of the electorate. To overcome this limitation, this system should be replaced with a two stage electoral process.
2. In order to curtail unnecessary election expenditure, simultaneous elections has to be conducted for union and state legislatures. The same has to be extended to the elections for the municipal corporations and other panchayat raj institutions.
3. 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 govt's at the centre and in the states.
4. Decrease number of registered parties. To achieve this goal, the minimum number of primary members should be increased that are needed to form a political party.
5. Increase the amount of security deposits. This move is necessary to put a check on the number of non-serious

- candidates contesting elections. Such a move has been taken in the past and has shown desired results. Today, there is a need to review the amount of security deposit.
6. 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 elections from more than one constituency & wins from all the constituencies he has contested from.
7. The use of common electoral roll in union and state elections will put a check on the cases of people finding their names missing in the electoral roll. The effects and expenditure that is involved in making two lists for similar purpose will be greatly reduced.
8. By introducing negative /neutral voting system, people will be allowed to express his distant by rejecting all the candidates contesting in his constituency if he / she finds none of them suitable to be elected. Democracy in India will be strengthened if people participate in large number in electoral process and have a choice to reject all the candidates. Instead of being forced to select one who they think less bad than the others in the fray.

**Conclusion**

Our EC tries its best to weed out the virus of malpractices. It is optimistic of strengthening and improving the working of democracy through free and fair elections. However, the success of reforms will largely depend upon the will of the political parties to adhere to and implement such reforms. If people vote according to their convictions and punish those who infract the rules, corrupt practices will automatically disappear. And this will go a long way towards establishing democracy to flourish and grow to its full capacity.

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