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Electoral reforms in India: Challenges and the way forward

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Abstract

Democracy cannot be fully realized without elections as they form the backbone of the electoral system in the sense that they emanate an element of representation, accountability and legitimacy. Since independence, India has been the world's largest democracy that has experienced substantial political and electoral change. Yet, over the last several decades, the public confidence in the electoral process has been undermined by a variety of structural, legal and ethical challenges. The criminalisation of politics, unchecked money power, lack of political funding transparency, a decline of inner party democracy and abuse of social media among others have put a question mark about the credibility of Indian elections. The Election Commission of India has tried hard and various commissions and courts have given recommendations to reform but they have not been implemented due to political resistance and socio political inertia in the system.

The purpose of this research is to examine the existing electoral problems and critically evaluate the past reforms and the new recommendations pertaining to these problems including state funding of elections, holding of simultaneous polls and improving institutional arrangements. The research adopts a qualitative methodology based on secondary sources such as scholarly literature, ECI reports, judicial pronouncements and legislative debates. The paper offers a roadmap of comprehensive and sustainable electoral reforms by identifying critical gaps in policy implementation and institutional oversight. These findings serve to underscore the importance of shoring up democratic values by fostering transparency, accountability and democratic inclusiveness in the electoral process. It is not simply a legal, administrative exercise but a democratic imperative to strengthen electoral integrity and make India's political system robust, participatory and credible in the 21st century.

Keywords: Indian democracy, election commission, political funding, criminalization of politics, electoral integrity

Introduction

Any democratic system breathes on the elections which are an important mechanism to express the will of people, legitimate governments and maintain the accountability. For a democracy, India is proud of the large scale conduct of its electoral processes which continue till today and in fact have been ongoing since 1951-52, when the first general elections were held. Free and fair elections are the foundation upon which our Indian Constitution in Articles 324 to 329 has been incepted and is primarily supervised by the Election Commission of India, which is a constitutional body for making credibility of the electoral process. (Bhattacharya, S. 2022) ^[2]. Although regular elections are held in different regions of the country, over various social strata, the Indian electoral system suffers various challenges that deter the integrity and legitimacy of the powers of the democratic processes. The criminalisation of politics, misuse of money, muscle power, low voter turnout and opaque political funding are some of the major issues resulting in serious concerns. Moreover, social media, fake news and lack of inner democracy within the political parties are also gaining more and more influence.

Though periodic electoral reforms are occasionally introduced, similar to the setting up of the Electronic Voting Machines, Voter Verified Paper Audit Trail and modifications to the Representation of the People Act, the pace and scope of said reforms have failed to keep up with the developing challenges. (Singh, U. 2022) ^[1]. In addition, there has been political resistance and the lack of a consensus to repeated recommendations by Law Commission, Election Commission and other civil society organizations. The objective of this paper is to

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investigate the major issues associated with Indian electoral system, analyse the effectiveness of past reforms and identify the practicality of proposed measures. This research attempts to provide a broad understanding of electoral reforms by analyzing the gaps in the implementation of the policy and institutional accountability in ensuring free and fair elections in India, and suggests practical recommendations for the same.

Objectives of the research

- To identify and analyze the major challenges that have been affecting the credibility and transparency of electoral process in India.
- To evaluating the impact and effectiveness of past electoral reforms undertaken by the Election Commission of India and the Government.
- To explore the role, nature and limitations of the institutions such as the Election Commission, judiciary and political parties in the facilitation of electoral reforms.
- To explore the possibility and implications of proposed reforms such as incorporating state funding of elections, holding simultaneous elections and visual voting.
- To suggest the policy based recommendations on how to strengthen the democratic values by means of sustainable and inclusive electoral reforms in India.

Research problem

Despite the accolades as the world's largest democracy, India has yet a stiff road to travel to ensure that its electoral process is without integrity, transparent and inclusive. The criminalization of politics, unbridled use of money power, lack of transparency in political funding, misuse of digital platforms and waning of the public trust in electoral institutions have increased the scrutiny on elections in India. As a result, these issues have eventually undermined the very base of democratic representation and democratic governance. Over the decades, there have been many reforms introduced, such as Electronic Voting Machines, Voter Verified Paper Audit Trail and some regulation on campaign financing, but most of these have not addressed systemic issues. In addition, the Election Commission of India, Law Commission and civil society organization recommendations are pushed aside with little to no implementation because of political reluctance and institutional constraints. The goal of this research is to provide a critical assessment of the failures of existing reforms and point toward realistic avenues for promoting electoral reform in the future. The problem is not just in the gaps of the legal and institutional frameworks, but also in the absence of political will to make and implement fundamental and comprehensive change.

Review of Literature

- In this article, we study the application and implications of Single Member Plurality System (SMPS), known as 'first-past-the-post' in Indian electoral framework. Vaishnav examines how SMPS affects political representation, party dynamics and governance outcomes in India. The study asserts that SMPS in India as it turns out to give disunited mandates and coalition politics rather than to bring in a clear majority and stable governments. The paper elaborates how SMPS tend to favor larger established parties that usually are at the detriment of the small parties and independent

candidates, whereby influencing the overall representativeness of the electoral process. Another aspect of this article examines how different levels of vote share sharing under SMPS can raise legitimate questions concerning the legitimacy and inclusiveness of governments elected. Finally, Vaishnav concludes that although there are some strengths to SMPS, there are too many weaknesses in the SMPS approach within the Indian context that get us to question if SMPS offers effective and fair democratic representation^[14].

- In this paper, the author discuss the necessity of electoral reforms in India from time to time for a free and fair conduct of elections. Singh explores different reform measures like lowering of the voting age and introduction of the anti-defection law and its effects on the democratic process. It also brings out the difficulties of Election Commission of India in the implementation of these reforms and ways in which its effectiveness can be increased. In addition, the paper presents comparative analysis of electoral systems in the United States, the United Kingdom and India, draws lessons and suggests avenues for improvement of Indian electoral system. The evaluation of these reforms and challenges broadens knowledge on the intricacies associated with partaking in electoral governance and the need to strengthen democratic institutions^[15].
- In this paper Anantha's presents an account of the historical evolution and the impact of electoral reforms in India pointing out the importance of such reforms in strengthening the democratic processes. This includes introduction of Electronic Voting Machines (EVMs), Voter Verified Paper Audit Trails (VVPATs), and None of the Above (NOTA) option, through which the author discusses the contribution to improving transparency and voter confidence. The second part of the paper deals with caste, religion and money power in elections, the challenges of elections like this, how Election Commission is trying to remove these as much as possible, is discussed. The author concludes that although there has been considerable progress, India's democratic framework must remain a work in progress to tackle persistent challenges and enhance itself^[16].
- In this article the author discussed the need for as well as the challenges of electoral reforms in India, which the parliamentary democracy in India needs to be strengthened. Kumar describes the ill-effects of First-Past-The-Post FPTP electoral system particularly the lack of proportional representation and result in the marginalization of small parties. The paper points out that free and fair elections are fundamental to democratic success and political stability. It also discusses the problem of voter apathy, occurrence of electoral malpractices and money and muscle power which vitiate the credibility of the electoral system. The author places emphasis on wide ranging reforms calling for the introduction of proportional representation, tighter regulations of campaign funding and wider reforms to increase voter education and participation. India has witnessed exponential democratic progress, yet Kumar's conclusion is that there remains a continuous need for electoral reforms to address the challenges that the Indian democracy still faces and is necessary for India to develop an effective and inclusive political system^[17].
- In this research paper the author talks about how the

digitalization has successfully accelerated the electoral reforms of India. The research unveils how digital tools could make elections more transparent, involve more voters and enhance the electoral process. It also has challenges like information spreads within votes and digital literacy disparity among the voters. The paper argues that to curb such issues, measures need to be taken such as strengthened security on cyber security protocols and comprehensive voter education. The paper suggests that India can create an electoral system that is more inclusive and efficient using digital technologies ^[18].

- In this article author gives a lucid account of the electoral system in India with its problems and the requirement for the reform leading to the possible strengthening of democratic process in this country. Issues such as First-Past-The-Post electoral system's limitations including disproportional representation and marginalisation of smaller parties are examined in the paper. It also talks about how these flaws affect voters confidence in general and political stability in particular. The author also supports reforms such as the implementation of proportional representation to put right representation. Along with this, the paper discusses the issues of the electoral malpractices like the effect of the use of money and muscle and also suggests ways to increase the transparency and accountability in the electoral process ^[19].

Research gap

The literature focusing on the electoral reforms in India, scholars has greatly contributed towards chronicling history, technological interventions as well as the systemic problems within the electoral system. Studies of Anantha, Kumar and Patel address alarming issues like the FPTP system, the basic political crimes and the politics of money and muscle. However, according to others, like Saha the digital transformation of electoral processes is also discussed as well as the use of technology to increase transparency. However, Vaishav analyzes and critically evaluates how the representation flaws of Single Member Plurality system exist in India, while Singh provides comparative insight in the electoral practices of other developed countries such as that of U.S. and U.K. Despite this, there is still a huge gap in critically evaluating the enforcement and effectiveness of these reforms, particularly with regard to the inclusiveness of voters, grassroots political awareness and the political will to institutionalize reforms. While the majority of studies focus solely on technological progress or weaknesses in the systemic approach, very few studies combine institutional behavior, public trust and accountability mechanisms into a single framework. Additionally, the reasons of political reluctance and inconsistent enforcement of reform measures are still not explored even though the recommendations for electoral reforms are frequently made by the Election Commission and the Law Commission. Filling this gap thus is the purview of this research that holistically evaluates the structural, institutional and behavioral barriers to effective electoral reform in India.

Research questions

Q-1: What are the major problems India is grappling with in its electoral system, particularly in regard to the credibility and transparency of elections?

Q-2: How do the past reforms, in particular the introduction of Electronic Voting Machines and Voter ID cards, impact the electoral process in India?

Q-3: What are the Institutional and operational constraints within the framework of the Election Commission of India which can be regarded as impediments to the implementation of electoral reforms?

Q-4: What are the intended and unintended consequences of the proposed reforms, like state funding of elections, holding elections on the same day for all levels of government, and adopting digital vote casting systems?

Q-5: In what manner can reforms to the election process be undertaken with the intention to raise the level of voter engagement, meet the demands of diversity and socio-political divisions, while ensuring accountability and transparency within the process?

Research methodology

In this paper the problems pertaining to reforms in the Indian electoral system are analyzed by employing a qualitative approach. This research is primarily reliant on secondary literature such as research articles, academic books, government documents and the publications of the Election Commission of India. A comprehensive content analysis of written materials will be carried out to evaluate the numerous reforms that have been attempts throughout history in India, their results and the obstacles they face in implementation. This work examines the roots of electoral misdeeds, such as the criminalization of politics, the influences of money, muscle and media, alongside exploring existing theoretical and empirical literature. To address the practical aspects of the electoral reforms, the study reviews the specific cases pertaining to the 2014, 2019 and 2024 general elections. These case studies aim to fill the knowledge gap concerning the implementation of reforms and possibly the implementation barriers. To add to the literature and case study review India's electoral reforms will be compared with those from other democracies which have enduring parallels and comparative obstacles on the level of development.

Challenges to electoral transparency and credibility in India

Although India being one of the largest democracies in the world, its electoral system is regarded by many as contrary to many international standards of transparency, fairness and credibility. The most pressing is criminalisation of politics, where people with criminal backgrounds run for and often win elections with the consequence that public policy is influenced by people upon who involved in the dirty work of the criminals they conduct depends. A 2019 report by the Association for Democratic Reforms (ADR) stated that as of 2019, around 43% of Indian lawmakers have criminal cases pending against them, which has raised alarm bells over the integrity of the political system. (Association for Democratic Reforms, 2019) ^[1] One other challenge is the use of money and muscle power. Most often at the state level, the political parties resort to vote-buying and manipulation forms of other kinds which lead to uneven field during elections. Here, too, fairness is undermined further by money spent on campaigns and more so in cash intensive states such as Uttar Pradesh and Bihar.

While the Election Commission of India (ECI) has put in place measures to regulate it, like the Model Code of

Conduct (MCC) and campaign finance monitoring, its enforcement has been inconsistent. Additionally, voter education is another big issue. Mostly voters of rural and backward areas may have lot of ignorance about how important their votes are and what the electoral system has created. In addition, issues caused by the lack of voter awareness campaigns have been further exacerbated. Considering this, the reforms that were also introduced such as voter IDs, EVMs and VVPATs were supposed to enhance credibility and tackle fraud, but still problems like malfunctioning EVMs and voter misinformation remain. (Yadav, S. 2021) ^[13]. Reservation policies and caste based quotas have provided the marginalized sections the opportunity to participate and same has been true of socio economic and gender based barriers. To achieve fair representation for all segments of society, these issues must be solved.

Electoral reforms in the past & their effectiveness

Several electoral reforms have been implemented by India in the recent past, many of which were targeted at disclosure of the actual reasons for loss or victory, reducing malpractices in the electoral process and ensuring inclusiveness to all segments of the electoral process. In 1999, Electronic Voting Machines (EVMs) and then in 2013, introduction of VVPAT (Voter Verified Paper Audit Trail) technology was a sizable step towards transparent and reliable voting process. (Govindaraj, C. V. 2024) ^[13] Although VVPAT was introduced to make sure that voters can check their votes, VVPAT wasn't enough, therefore EVMs was brought in to ensure that manual errors that were made in vote counting were erased and rigging was reduced. However, despite the technological advancement of the day, the effectiveness of all these is in question. In the 2019 Indian General Elections, there were allegations of EVMs being tampered with, which opposition parties were prominent in making. But the Election Commission forcefully defended the credibility of the machines, saying there was no evidence of tampering. Although the technological reforms did cut down on battle of election rigging to some extent, the public's suspicion of electoral fraud has continued to linger.

Another matter regarding changes in the Representation of the People Act (RPA) of 1951, apart from the technological changes, was the criminalization of politics. For instance, a positive step, the recent Supreme Court ruling whereby it held that lawmakers facing serious criminal charges must divulge their criminal record to the public. But enforcement has been weak and many of the criminals continue running for and winning political elections. Introducing the Right to Information (RTI) Act and campaign finance reform intended to bring transparency indeed experienced problems in terms of implementation. (Kumar, V. 2020) ^[15] For example, although political parties are supposed to reveal their financial source, many even dare to dodge full revealing. Some reforms that have been implemented have a positive influence in the electoral process of India, however, they have not tackled systemic concerns with their totality. These reforms need continuous monitoring and more stringent enforcement mechanisms to achieve their intended effects.

The role of political parties and criminalization of politics

A most critical finding in India's electoral system is that of criminal domination within the constituency of all political

parties. The criminalization of politics over the years had reached uncanthracic levels as some of the politicians contesting the elections faced serious charges and were aspiring to be in parliament. The Association for Democratic Reforms (ADR) has revealed as many as 43% sitting Members of Parliament (MPs) and 35% of Members of Legislative Assemblies (MLAs) belonging to 16 major parties have declared criminal cases against them in their election affidavits till as of 2019. (Association for Democratic Reforms, 2019) ^[1]. However, this trend threatens the integrity of democracy in the country in the same way. Voters are consistently bullied and election results manipulated by muscle power of criminal politicians. Furthermore, those with criminal backgrounds tend to abuse state power to use the state in the interest of some and not in public interests. One language in this is the states of Bihar, Uttar Pradesh, and Maharashtra, where criminal politicians have a disproportionate amount of power.

In retaliation, the Election Commission has come up with all manner of reforms to combat the criminalization of politics. As an illustration, any candidate with criminal records has to declare it before contesting elections mandated by Supreme Court ruling (2002) and, the Representation of the People Act (RPA) prohibits candidates convicted of some crimes from standing for elections. (Kumar, R. 2023) ^[4] Nevertheless, these rules have been inconsistently implemented. Although the law does afford candidates the possibility to be charged in criminal court, loopholes and political pressure often allow such candidates to stay in the race and win elections. Another reason applied to discourage law abiding citizens from participating in the electoral process is the presence of criminal elements in politics, which they see the system as being corrupt. Thus, the reforms to disqualify criminal candidates or close the information loophole about candidates criminal backgrounds must be strictly implemented in order to have any real impact.

Electoral institutions: Role and limitations of the election commission

As a constitutional body, the Election Commission of India (ECI) is the body that administers elections in India and strives to ensure these are devoid of their shortcomings. However, over the years the ECI has introduced various measures to improvise the electoral process by voter ID cards, electronic voting machines (EVMs) and voter education campaigns. Another effect of these reforms is that they reduced voter frauds, facilitated efficiency in voting process and accommodated the marginalized groups to the electoral system. Nevertheless, there are a number of challenges for the ECI in effecting the implementation of reforms. Elections, especially under the existing influence map, become a huge problem in logistically challenging regions of the country, where conducting fair elections is already a mammoth task. (Naik, Z. H. 2023) ^[8]. Moreover, the implementation of reforms like campaign finance regulations and voter registration updates has been uneven across different states. Discrepancies in electoral management result also from a lack of resources in rural areas, as opposed to urban ones, with the latter concluding more effective enforcement. Consequently, strengthening the ECI in terms of both the autonomy and its resource is therefore central to the holding of free and fair elections in India.

Digital voting, state funding and simultaneous elections: Proposals for electoral reforms

A few solutions are proposed on how to fix the long pending issues in India's electoral political system. The reforms that have provoked the widest debate include, electoral reform itself, digital voting for certain offices, state financing of elections and elections synchronized nationwide. It has been proposed that digital voting will solve the problem of portability and transparency. The advent of digital voting is plausible in India given that the country boasts growing internet penetration and hence, digital voting can facilitate remote voting especially for overseas citizens, rural populations and those with disabilities. (Malik, N. 2013) ^[7]. Moreover, it would also reduce significantly the logistical costs of traditional voting methods. Nevertheless, to attain mass scale digital voting, some concerns against digital voting like cyber security, privacy and digital divide in rural India need to be addressed.

The other important item is the state funding of elections. It is to curb the abuse of black money and corruption in the democratic process. If political parties get state funding, it would help them place out elections more transparently, cut down on their dependence on unclean monies. But the problem is that state funding is an extra instrument to manipulate politics. Another reform that has received prominence in recent years is simultaneous elections. Maintaining a simultaneous national and state election will reduce the electoral cost and keep political calendar more in sync. (Verma, A. K. (2023) ^[12]. Besides, it may cut down on election fatigue among voters and deter the role money and muscle power play during elections. But some critics say simultaneous elections could give the ruling party an unfair advantage, because they could use state resources to influence both national and local elections at the same time.

Research findings

The study highlights some important insights on the status of electoral reforms in India and problems of such an electoral system. According to one of the key findings, the reforms of Electronic Voting Machines (EVMs) and Voter ID cards have hugely increased the accuracy of elections and stopped wide scale voting fraud, however, objections to EVM tampering and the voter misinformation still exist and make people suspect the credibility of the system. The results confirm that credibility cannot be solely the result of technological reforms, but that electoral laws should be robustly enforced and that malpractices should be checked more. Another crucial finding pertains to the criminalization of politics. The research proves that criminalizing politics still happens despite legal mandates candidates should declare having any criminal records, with almost 43 percent of lawmakers facing serious criminal charges. Money and muscle power continue to have a strong influence on the election system, particularly at the state level where clientelism and vote buying is practiced. The study highlights the need for reforms that go beyond simply ensuring transparency, addressing the lack of political accountability through better protection for voters from criminals via increased disqualification of candidates with previous criminal records. Finally, the results of the study indicate support for proposals of simultaneous elections, digital voting and public funding of elections, since while these reforms promise to decrease costs and improve transparency, challenges pertaining to implementation of

these reforms, especially in rural and under privileged areas, need to be keenly addressed.

Conclusion

India's electoral system in its present form, despite being robust and widespread, is confronted with numerous challenges that adversely affect its legitimacy and fairness. The best technological reforms like Electronic Voting Machines (EVMs) and Voter IDs are not enough to overcome the problems arising due to criminalization of politics, vote-buying and mafia in the systems of elections. The challenges flagged out here demand for reforms that should not just address the technological advancements, but the socio-political the caste-based voting, the clientelism and the role of criminal elements in elections are also serious issues that need to be taken care of. To ensure the integrity of the democratic process, there is a need to strengthen the ECI and enforce the electoral laws. Besides, state funding of elections, digital voting, and simultaneous elections are, too, plausible solutions in curtailing the cost of elections, enhancing transparency of the elections and resolving the voter apathy. The actual electoral reforms in India cannot be undertaken through technological advance alone; such reforms will need to be holistically approached by combining technological innovation with institutional strengthening and societal awareness. On the path forward, we should move ahead as one in this process, and we have to ensure that enough voices of reason prevailing on the floor would lead the system inclusively, transparently and take the country forward to the point that we have an electoral system that is fair and everybody's vote counts and nobody's vote is influenced in the wrong manner by undue influence or even manipulation, that is the path forward.

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