

Electoral Reforms In India-Issues And Challenges

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I. INTRODUCTION

India has the distinction of being the largest democracy of the world. The size of Indian elections is overwhelming. Around 23.1 million or 2.7% of the total eligible voters were first time voters (18-19 years) in 2014. A total of 8251 candidates contested for the 543 Lok Sabha seats. It was conducted in 9 phases and the voter turnout 66.38% was the highest ever recorded in the history of Indian General Elections. The nation spent Rs. 3426 crores to conduct the Lok Sabha polls. 81.45 crores of Indians were on the eligible voters list. 55.1 crore voters exercised their franchise. About 9,30,000 polling stations were set up all over the country. The ballot boxes were sealed on May 12,2014 for the last time and the results were declared on May 16,2014. 10 million officials (including police security) were deployed to conduct the elections. The sheer size of the work force involved in the elections is greater than the population of most countries in the globe. It is to the credit of India that it has successfully conducted 16 elections to the Lok Sabha and several to the states since independence.

Elections are the most important and integral part of politics in a democratic system of governance. While politics is the art and practice of dealing with political power, election is a process of legitimization of such power. Democracy can indeed function only upon this faith that elections are free and fair and not rigged and manipulated, that they are effective instruments of ascertaining popular will both in reality and in form and are not mere rituals calculated to generate illusion of difference to mass opinion, it cannot survive without free and fair elections. The election at present are not being hold in ideal conditions because of the enormous amount of money required to be spent and large muscle power needed for winning the elections. While the first three general elections (1952-62) in our country were by and large free and fair, a discernible decline in standards began with the fourth general election in 1967. No such events were reported till the fourth general election. Over the years, Indian electoral system suffers from serious infirmities. The election process in our country is the progenitor of political corruption. The distortion in its working appeared for the first time in the fifth general elections, 1971 and multiplied in the successive

elections especially those held in eighties and thereafter. Some of the candidate and parties participate in the process of

elections to win them at all costs, irrespective of moral values. The ideal conditions require that an honest and upright person who is public spirited and wants to serve the people, should be able to contest and get elected as people's representatives. However, in fact, such a person as previously mentioned has no chance of either contesting or in any case winning the election.

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

The elections today more or less have become an ambitious investment venture, where everyone wants to try their hand at. Therefore each and every step of election process is packed with loads of inaptness as discussed below.

Challenges before the Election Commission and the Steps taken

Taking into consideration the major contentions pertaining to the unruly conditions of electoral system, several issues were highlighted.

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-bailable and cognizable offences. Obscuring of the facts and criminal records acts as an impediment to the fair election process. In order to combat the said anomaly, the Vohra Committee Report on Criminalization 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 parliament.” The election commission projected that any attempt to obscure the antecedent illegal evidence under Rule 4A of the Conduct of Election Rules, 1961 was to be punishable with imprisonment for two years or more, in a pending case in which charges have been framed by the Court. The cases where the accused was convicted for an offence other than any of the offences mentioned in Section 8 of Representation of the People Act, 1951, and sentenced to imprisonment for one year or more, led to imposition of penalty under section 125A of the Representative of People Act, 1951 to provide for more severe punishment for two years imprisonment or imposition of fine.

The National Election Commission proposed that candidates alleged of serious crimes whose punishment exceeded 5 years shall be disqualified by the Court of law. And where the year of imprisonment was six years under Sec. 8 of R.P. Act, 1951 an inhibition of 6 years from contesting elections. 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. In order to tackle this issue the national election commission proposed the legal limit or ceiling of the election expenditure to be fixed at a reasonable rate taking into cognizance the present economic scenario concomitant with disclosure of assets and state funding too. Other than that, the EC appoints expenditure observers to keep an eye on the individual financial records of election outlays made by contestants, during election campaign. In pursuance of an order of the Supreme Court judgment, in the *Peoples Union for Civil Liberties & another vs. Union of India* [(1997) 1 SCC 301] case, the EC apprehended for electoral office to submit mandatorily, an affidavit disclosing his assets and liabilities. The 2004 report of the Election Commission acknowledged that political parties were required to make public their financial statement. Therefore, refinement of elections is the imperative itinerary by which corruption and maladministration can be cramped. 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 practise 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 favour. 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.

Eradicating the evil influences of Money and Muscle Power

- To check the increasing influence and vulgar show of money, the law should fix a reasonable ceiling on election expenses and strict compliance of such law should be enforced as was done during T.N. Sheshan's tenure as the CEC. State funding of elections, which has been recommended by all the committees on electoral reforms, should be introduced to curb the menace of money in elections.
- To prevent growing criminalization and violence there is an urgent need to implement the EC's proposal of keeping out persons with proven criminal records from electoral context.
- The model code of conduct should be enforced strictly.
- Gradually, ways and means must be found to implement the voters' right to recall as well as the right to reject candidates.
- The electoral process cannot be cleansed merely by legal measures. The electoral process is influenced and determined by the political culture of the political system, which cannot be reformed by legislative acts.
- The enlightened citizens who are prepared to uphold political norms and punish those who violate them can be an effective instrument for clean electoral politics.

II. CONCLUSION

Reform is not 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. Over the years, the Election Commission has handled a number of issues and accomplished commendable electoral reforms to fortify democracy and augment the even-handedness of elections. These alterations are ample and venerable. Undeniably, the election machinery, under the sponsorship of the EC, justifies its credibility for organising elections in a free and fair method. Nevertheless, our system is still overwhelmed with many vices and these can be combated by the tripartite support of the candidates, electorates and the Election Commission of India.

In democracy the public is most powerful entity. If the public do not vote in favour of criminals, dishonest and corrupt politicians who wish to purchase their votes by money or muscle powers, everything shall function nicely and the democracy will shine in the dark spectrum of hitherto corrupt and criminalized political system. So, though the EC is working hard in this direction, but it cannot succeed unless all political parties and voters realize their responsibility. Finally there should proper mechanism, fully functional and fully equipped to fight with any triviality.

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