

A STUDY OF ELECTORAL REFORMS FOR INDIAN ELECTORAL COMMISSION

***Namrata Nandkumar Nirgude, **Dr. Pratima Bhardwaj**

**Research Scholar, **Assistant Professor, Research Supervisor,*

Department of Political Science,

Himalayan University, Itanagar, A.P

ABSTRACT

Indian court action and legal opinion have helped enact election changes and improve public view of the electoral process. Surveys or election studies can be used to gather public perception in a democracy like India. The rational choice theory of electoral reform is the most common explanation. There are many who see the selection of rules as an elite-level problem, one that is dominated by political interests in the legislature, where citizens are often excluded and powerless. While such stories can shed light on the specific reforms that have been implemented, they fall short of answering the logically preceding issues of when and why any successful changes have been brought to the attention of policymakers.

KEYWORDS: *Elections, democracy, lawful system, politics, electoral reforms.*

INTRODUCTION

The democratic system of government cannot function without elections. Elections are a major source of political propaganda in India. The election process in India is viewed as the primary source of political corruption in the country, according to some. The current elections are being conducted incorrectly because winning elections in India takes vast sums of money and manpower. Candidates for public office frequently spend a substantial amount of money attempting to sway voters by offering voters cash in exchange for their votes or by spending lavishly during campaigns. There have been a number of adjustments to the voting system in India over the years. As a result, voters were required to use preprinted ballot papers in order to cast their ballots in Lok Sabha's first two general elections (1952, 1957), in which each candidate was given a separate voting box emblazoned with his or her symbol, but candidates' names and symbols were not printed on those ballot papers.

Fears of tampering, booth capture, or handling were created by the system, which was quickly changed by a new one. As early as 1977, the Electronics Corporation of India (ECI) was tasked by the ECI with investigating the viability of holding elections via electronic means and with constructing such a device. The ECI constructed a prototype in 1979 and showed its functionality on August 6, 1980, in front of delegates from political parties. Under Article 324 of the Indian Constitution, the Election Commission of India issued guidelines in 1982 for the use of Electronic Voting Machines (EVMs) at 50 polling stations in a bye election in the Purer Assembly Constituency (AC) of Kerala.

LITERATURE REVIEW

DR.SUMANTA BHATTACHARYA(2021) There have been many changes made to the voting process in India over the years, from ballot papers to electronic voting machines, proxy voting for NRIs and service members, the introduction of NOTA (None of the above) rights, and the introduction of Voter Verifiable Paper Audit Trails to ensure that the voting process is transparent. Conduct of elections under the supervision of the ECI and Central Police Forces with the introduction of Electors Photo Identity card to prevent impersonation and fake voting. new guidelines for professional behavior (MCC) Even if a deserving candidate wins the election, we still confront a number of issues that necessitate electoral reforms in order to ensure a democratic India. Sections 125A and 126 of the 1951 Representation of the People Act should be applied, as well as restrictions on paid news with an election connection, government-sponsored advertising, moratoriums on exit and opinion polls on the news media, and many others.

NILESH EKKA (2018) Regular elections are a critical component of a democratic government. In order for democracy to thrive, there must be elections. In this way, people's political views, values, and beliefs can be captured on film and television. Voters choose a government, and that government has the constitutional authority to rule over the people who have chosen it to rule. For the selection and control of leaders, elections are the most fundamental democratic procedure. Elections allow people to express their confidence in their administration and to replace it if necessary. Elections are a representation of the people's sovereignty and the validity of the government's authority. As a result, successful democracies cannot exist without free and fair elections.

S. GOKULAKRISHNAN, K.S. SHOBA JASMIN (2018) Electoral reforms and public perceptions of electoral reform are examined in this paper. Elections are held so that we can elect a representative to represent our interests in government. A country's elections are its most significant feature. Elections are a critical component of a democratic society. Elections give the people a chance to select a leader who they believe will best serve their community or society as a whole and guide them on the proper road toward growth and progress. For a successful democracy, free and fair elections are more crucial than the selection of a leader by the people. Free and fair elections are considered essential to a country's development. However, in today's world of modern power politics, electoral justice is a must.

NAFEES AHMAD (2017) Fuel for democracy's engine is a combination of equality and equity, liberty and plurality; fraternity with multiculturalism; rule of law and public engagement. As a result, democratic institutions in India have been eroded by those who do not adhere to an ideology known as institutional constitutionalism, which in turn ensures effective government. Elections, which are an inherent and non-derogatory characteristic of democracy, serve as the spinal cord for sustaining variety, pluralism, and multi-cultureless.

DR. BIMAL PRASAD SINGH (2013) In spite of the fact that India is the world's most democratic country, we believe that Democracy isn't working effectively. In light of this new information, scientists are beginning to wonder: Why is our largest democracy so dysfunctional? The Electoral process has a problem. Here, I've provided an overview of the current state of the electoral process,

as well as a few ideas for improving it. In India, this has been one of the most talked about electoral reforms. Due to the rise of minor and regional parties, multi-cornered battles have become the norm rather than the exception in India. Some candidates have been declared victorious at state assembly elections by a margin of less than 100 votes. Unless there is some unusual circumstance, a candidate usually wins an election with only 30 to 35 percent of the total votes cast. Because of this, he or she cannot be considered a popular choice by the majority of voters. First-past-the-post voting must be replaced by a two-stage system to get around this problem.

ELECTORAL REFORMS IN INDIA

Toward the end of the 1960s, Indians began to realize that election reforms were necessary. Until then, the electoral system had worked well, with the exception of a few minor irregularities in the form of rigging or violence. The federal government and most of the states were ruled by a single political party. After the 1967 Fourth General Elections, however, things began to shift. The United States saw the rise of regional parties and the formation of coalition governments. As a result of the formation of alternative party governments, several of the political system's undesirable features and distortions were magnified in the state's elections.

In 1970, a legislative committee was formed to propose revisions to the Election Law from all sides, the first of its kind. In December 1970, the Lok Sabha was dissolved, and this Committee's existence was similarly cut short. A Joint Parliamentary Committee on Amendments to Election Law was constituted by Parliament in 1971 following the formation of a new Lok Sabha under the leadership of Shri Jagannath Rao.

The Tarkunde Committee (1974), the Dinesh Goswami Committee (1990), the V.K. Krishna Iyer Committee (1994), and the Indrajit Gupta Committee (1998) were all established in the following years to look into election reforms and their implications for the country. In addition, the Election Commission has proposed reforms from time to time. Electoral reform suggestions from the Election Commission have been made in 1977, 1982, 1990 and 2004. Aside from this, political parties have proposed election reforms on the basis of all-party meetings. To find out and identify required modifications to the 1951 Representation of the People Act (the 15th Law Commission), it was also created on November 27, 1977 to conduct an extensive examination of that law. The 170th report of the Law Commission on Election System Reform has been submitted. Additionally, the government has taken corrective action on occasion.

PROPOSALS FOR REFORMS

Recommendations of Law Commission

Public Interest Foundation and Others V. Union Of India & Anr- Writ Petition (Civil) No. 536 of 2011, directed the Law Commission Of India to make suggestions on two specific issues, viz., I "curbing criminalization of politics and needed law reforms"; (ii) "impact and consequences of candidates filing false affidavits and needed law reforms to check such practice." To address these issues in light of the court's decision, the Commission focused its attention on these two specific

areas, and then issued its 244th report, titled "Electoral Disqualification," to the Indian government on February 24, 2014.

"Electoral Reforms" was one of the topics addressed by the Law Commission of India in its report to the Union Law and Justice Ministry. India's chairman of the Law Commission of India, Shri A. P. Shah, delivered a 201-page report following extensive consultations with stakeholders, including registered national and state political parties.

Various topics covered in the report are summarized below:

Election Finance

On the subject of candidate costs, the Law Commission has proposed a wide range of reforms that include restrictions, transparency responsibilities for individual candidates and political parties, as well as sanctions for political parties.

In an effort to combat the growing threat of black money and improve transparency in political party funding and donations, this bill was introduced. Only political parties registered under the Representation of the People Act, 1951, and which received at least 1% of the votes cast in the last Lok Sabha election are eligible to receive the bonds. State-funded elections or matching funds are not practicable in light of existing situations in the country, the Commission concludes.

Regulation of Political Parties and Inner Party Democracy

Both procedural and substantive democratic theories are included in democratic theory. To put it another way, procedural democracy refers to the practice of universal adult voting; substantive democracy refers to the parties' internal democratic processes, which pretend to represent the people. Part of the discussion here is about how political parties should run and regulate themselves internally democratically.

Proportional Representation

Proportional representation is theoretically more representative, but the FPTP system is more stable. It is apparent that both voting systems come with their own advantages and disadvantages. India's voting system will also have to incorporate features of both direct and indirect elections, based on the experience of other countries. Because of this, the Lok Sabha's membership will have to be expanded, raising questions about the legislature's ability to effectively function.

Anti Defection Law in India

The Law Commission recommends that the Tenth Schedule of the Constitution be amended to give the President or Governor, as the case may be (instead of the Speaker or Chairman), the right to rule on problems of disqualification due to defection, who will act on the advice of the ECI. This would assist maintain the Speaker's office's integrity. The Supreme Court recently issued a ruling that might have far-reaching implications for legislative bodies.

The Court issued two significant rulings. When it comes to disqualification petitions, Speakers of both state legislatures and the House of Representatives must determine within three months unless an extraordinary scenario exists. The court also ruled that it has the authority to intervene if a case is dragging on. A second recommendation made by the court was for Parliament to closely investigate the idea of abolishing the Speakers' disqualification powers and establishing an independent tribunal to handle these petitions. As a result of their affiliation with the prevailing parties, Speakers tend to operate partisan ally.

Strengthening the office of the Election Commission of India

Removability of Election Commissioners and the CEC should be made consultative, and a permanent, independent Secretariat should be established for the ECI. All members of the Commission should have equal constitutional protection in this area.

Paid News and Political Advertisements

It has been amended in the RP Act 1951, in order to make it an electoral offence to publish and aid the publication of "paid news" in order to further the prospects for the election of any candidate or to prejudicially affect their prospects for the election of any candidate, with a minimum two-year sentence. Disclosure rules should be made necessary for all media in order to curtail the practice of disguised political advertising.

Compulsory Voting

For the reasons outlined above, the Law Commission does not support the establishment of compulsory voting in India and, in fact, considers it highly undesirable for a number of reasons.

Election Petitions

For the purpose of resolving "disputes related elections," the Election Commission has proposed sweeping changes.

NOTA and the Right to Reject

If a majority of voters choose NOTA as a voting option, the candidate will be disqualified from being elected. The Law Commission now opposes this extension of the NOTA concept.

The Right to Recall

However, because it could lead to an overzealous democracy, undermine elected officials' independence, ignore minorities' interests while also increasing instability and chaos, the Law Commission does not support the introduction of any form of recall right. It is also difficult to implement in practice given India's first past the post electoral system.

To trailer for Counting of Votes

Voting trends in each polling station can be detected; hence the ECI's request to introduce a totaliser for the counting of votes recorded in electronic voting machines has been endorsed by the Commission. EVMs were not allowed to be mixed with paper ballots prior to the introduction of EVMs under Rule 59A of the Election Rules. The use of a totaliser would ensure that voting trends would not be revealed during the counting process, thus reducing the fear of intimidation and victimization.

Restriction on Government Sponsored Advertisements

For free and fair elections, the Commission recommends limiting government-sponsored advertisements six months before the expiration date of the House/Assembly. This will keep government money out of partisan interests like highlighting the government's accomplishments and prevent one party or candidate from unfairly benefiting from government spending.

Independent Candidates

To avoid voter confusion, the Law Commission proposes that independent candidates be prevented from running in elections under the existing regime. This is because the current system permits an abundance of independents to run, many of whom are dummy or non-serious candidates. It is therefore necessary to change sections 4 and 5 of the RPA to limit the participation in Lok Sabha and Vidhan Sabha elections to only political parties registered with the ECI under section 11(4).

Preparation and Use of Common Electoral Rolls

Legislative, Assembly, and municipal elections should be held on the same ballot, according to the Law Commission's recommendation.

CONCLUSION

It is widely agreed that the election process in the country has evolved over time and needs to be improved upon. In order to accomplish this, there must be a lot of discussion and argument. The importance of electoral reforms has been recognized by successive governments at the national level. Every now and then, the Election Commission and several committees have made reform suggestions, and these have been carefully reviewed and even put into practice. The need for agreement among the country's political parties has been emphasized as part of the discussion of electoral process reform proposals.

Electoral reforms are an ongoing process, and the Government, the Election Commission of India, and the Law Commission will strive to adopt such ideas on electoral changes on which a consensus emerges, from time to time, in accordance with their respective mandates.

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