

# ELECTORAL REFORMS IN INDIA



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# Introduction:



- Elections and democracy are closely connected to each other.
- **The success of entire democratic political system depends upon free and fair elections.**
- “If the electoral machinery is defective or is not efficient or is not efficient or is worked by people whose integrity cannot be depended upon, democracy will be poisoned at the source.” – Pt. Hridayanath Kunjru .
- **Electoral reforms are necessary to ensure free and fair elections in India.**
- Many commissions were appointed and reforms were suggested from the last 5 decades.
- **Since India is the largest democracy in the world, it also faces large number of problems which necessitated immediate attention in the electoral system.**

# Reasons for Electoral reforms:



1. To make **qualitative improvement in the legislator** at all levels.
2. To provide **for political stability** which is very much threatened due to the era of coalition politics.
3. To promote values like democracy, secularism, morality, non-violence, etc. and **to keep out corrupt & selfish and inefficient leaders out of the race for power.**
4. **To check booth capturing**, snatching of ballot papers, intimidation of voters & violence in elections.
5. **To checkmate 3 “M”s** – money, muscle and mafia power which has been in the increase in election after elections.
6. **To prevent the 4 “C”s** – criminalization, corruption, communalism & casteism in electoral politics.
7. To attend **problems like defections** and electoral rolls, etc.

# Appointment of Committees for electoral reforms:



- During the last decade of the 20<sup>th</sup> century various committees were formed to overcome the various limitations in our electoral system.
- **They were Goswamy committee, the Indraajith Gupta committee on state funding of elections, the Law commission, the National Review commission, etc. on electoral reforms.**

# 1. Dinesh Goswamy Committee(1990):



- In 1990s V.P. Singh's government appointed a committee headed by the then law minister Dinesh Goswamy to study in details, the problems of electoral reforms and make necessary recommendations. Its important recommendations were –
  1. The election commission of India should be **a multi-member body**,
  2. The chief electoral officers should be entrusted with the work of elections only and not any other kinds of work.
  3. **A fresh delimitation of constituencies on the basis of 1981 census to be carried out.**
  4. **Photo Identity card** should be implemented.
  5. A person should not be allowed contest from more than two constituencies.
  6. **To set up a model code of conduct** to have the statutory backing, etc. but the recommendations of this committee were not implemented.

## 2. The Vohra committee(1993):



- Vohra committee was set up in July, 1993 to take stock of all the information agencies **about the activities of mafia organizations and their growing nexus with the politicians and bureaucrats and pursue cases against them.**
- The committee was headed by the then union home secretary N.N. Vohra.
- The Vohra committee report was tabled in both the houses of the parliament on Aug.1 1995.
- According to the report the net work of the mafia is virtually running a parallel government, putting the state apparatus into irrelevance.
- The committee recommended the creation of a model agency to collect information available with the intelligence agencies about the activities of the mafia organizations and bureaucrats and pursue cases against them.
- **The committee had identified the nexus between criminal gangs, police, bureaucracy and politicians which had become a countrywide phenomenon.**

### 3. Indrajith Gupta Committee(1999):



- The committee presented the report in 1999, following were its recommendations –
  1. **During elections parties should be financed by the state fund.** It should be available to candidates of the parties recognized by the E. Commission. This assistance should be in the form of materials and not in cash. Separate state fund(600 crores) should be created for this purpose.
  2. **Elections should be made free from the influence of criminal and use of money and muscle power should be checked**
  3. **Restrictions should be imposed on wall writings & display of banners.**
  4. **All donations above RS.10,000/ upwards should be accepted in the form of cheques or drafts and names of the donors be disclosed.**
  5. **Political parties must file a return of their income and expenditure after every general elections to the Election Commission.**

## 4. The Law Commission(1999):



- The law commission was appointed in 1999 which contemplated only partial state funding.

## 5. National Review Commission(2000):



- In Feb. 2000 NDA government set up a constitution review commission consisting of 11 members with justice MN Venkatachalaiah, former C.J. of S.C. of India as chairman to review the working of the constitution, identify the problems and suggest reforms.
- It has also given many suggestions to reform the electoral system.

# Electoral reforms suggested:



- 1. Need for a legislation against defections:**
  - **All legislators who defect either as individuals or in groups should be made to resign their seats.**
  - The E.C. should be given the power to disqualify a defecting member.
  - The 97<sup>th</sup> Constitutional Amendment Act, 2003 prohibited defection and limitations on the size of the Council of Ministers.
  - This amendment is binding on all State governments and Political parties.
  - This amendment also results in automatic disqualification of the member who crosses over to other parties.
  - Such a member has to vacate his seat and seek a fresh mandate on a new symbol.

## 2. Electoral Rolls:



- Easy availability of information to every citizen is the only way to check abuse of power.
- In a span of 2 years(2002-03) the election commission has extensively revised the rolls through door-to-door survey of electors in 27 states and Union territories.
- Electoral rolls are computerized having names of 614 million voters.
- It is available in CD-Rom disc in each constituency and also in book forms.

## 3. The Election Commission:



- **The NRC recommended greater powers to EC for controlling booth capturing and rigging.**
- It suggested that the final decision regarding countermanding an election and ordering a re-poll in the entire constituency should also vest with the EC.
- It wants to give more powers to EC because it is highly suspicious about politicians and political institutions.
- It also suggested a change in the body that is authorised to appoint election commissioners.
- A body consisting of PM, Leader of the opposition in LS & RS, Speaker of the LS, Deputy Chairman of RS.

## 4. Regulation of Activities of the Political Parties:



- It recommended for enacting a comprehensive legislation for regulating the issues of registration, de-registration, recognition, & de-recognition of PPs.
- It is mandatory for political parties to undergo **compulsory audit of the accounts** of funds received and expenditures incurred.

## 5. Election petitions:



- The delays in court decisions in election petitions have become a matter of serious concern.
- Many cases are decided long after the term of the house gets over.
- **Such election petition can be given to the EC during the off election time.**

## 6. Minimum educational qualification for a Legislator:



- It recommended that **the minimum qualification for a legislator should be at least a degree holder.**
- Due to the complexity of issues of governance and involvement required in the legislative businesses, some educational qualification is a must.

## 7. Delimitation:



- There is no balance between one constituency and the other in regard to the ratio between the population and the representatives.
- Thus , there is uneven delimitation of constituencies.
- Therefore, **there is a need for delimitation of constituencies which has been frozen for many years.**

## 8. Punishment for electoral Offences:



- The punishments are totally inadequate at present & ridiculously low.
- So existing provisions of law need to be revised so as to meet out optimum punishment to the wrong doers.

## 9. Reservation for Women:



- This also should be a part of the electoral reforms.
- Number of women representatives in the legislature is very low.
- **A proposal for 33% seats in the parliament should be reserved for women.**
- Or political parties should reserve certain constituencies for women contestants as mandatory.

## 10 Use of Electronic Voting machine:



- The advantages of EVMs in preventing large scale rigging is proven matter.
- The use of it makes counting of votes very easy and non-controversial.
- Results could be available within a short time.
- **EVMs were used throughout the country in the 14<sup>th</sup> Lok Saba elections for the first time with great success .**

# 11. Identity Cards:



- Preparation of the electoral rolls is the most important work in an electoral system.
- But electoral rolls in India have a number of errors in them.
- A serious attempt at electoral reform in India must tackle the question of faulty electoral rolls.
- **Issuing Identity cards has become necessary to have an electoral system without impersonation.**
- The impact of proper electoral rolls and voters identity together with EVMs give a message that the country takes all electoral exercises seriously and make elections foolproof.
- Goswamy committee recommended for ID cards with multi-purpose.

## 12. Mandatory disclosure regarding the antecedents of the candidates:



- It is reported that about 35% of our legislators have criminal background.
- **To prevent the menace of criminalization of politics an affidavit should be filed by the candidates along with their nomination papers**(S.C. direction to the EC 27-03-2003).
- This affidavit should include information on the criminal antecedents of the candidates & his dependents the liabilities of the candidates and his or her educational qualifications.
- This is an important change that allows the voters to identify criminals and keep them away from politics.

## 13. Reform in Electoral financing through state funding:



- Huge election expenditure is one of the critical problem found to be there in the Indian electoral system.
- Contesting election involves huge expenditure and become a costly affair which keeps many good candidates out of elections.
- This huge election expenditure also tends to create a high degree of compulsion for corruption in the political arena.
- **The prescription for election expenditure by a candidate was 15 lakhs for parliament and 6 lakhs for assembly.**