



Electoral Reforms in India

KEYWORDS

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Introduction

Elections are an important part of democratic government. If the elections for electing the representatives are not fair and impartial, people lose faith in the entire democratic system. Thus, to make sure that elections are free and fair, the Constitution of India (Article 324) provides for an Election Commission.

It consists of a Chief Election Commissioner and some other members (at present, there are two other members). They are appointed by the President of India. Their terms and conditions of service are determined by the Parliament.

The normal tenure of the Election Commissioners is 6 years. However, they can be removed from office by the same procedure by which a judge of the Supreme Court can be removed.

Functions of Election Commission:

The main functions of the Election Commission are as under:

- (i) The superintendence, direction and control of elections. To conduct elections and to look after all the problems connected with elections.
- (ii) To prepare electoral rolls and get them revised before every election.
- (iii) To supervise the machinery of elections throughout the country so that the elections are held in a free and fair manner.
- (iv) To conduct the elections of President, Vice-President, members of both the Houses of Parliament, members of Legislative Assemblies and Legislative Councils of various States.
- (v) Delimitation of Constituencies.
- (vi) To give recognition to political parties as All India Parties or Regional Parties on the basis of the votes received by them in the last elections.
- (vii) To allot symbols of various political parties and independent candidates. It hears and settles all the disputes with regard to symbols.
- (viii) To cancel polls in case of large scale rigging, irregularities or violence.
- (ix) To give opinion to the President of India about the possibility of holding elections in a State under President's rule after the expiry of six months.
- (x) To advise the President or a Governor on matters pertaining to disqualification of a legislator.
- (xi) To conduct by-elections for filling up vacancies in Parliament or any State legislature.

Very few Election Commissions in the world have such wide ranging powers as the Election Commission in India. Initially the Election Commission did not use all its powers but in the last 15 years or so it has begun to exercise all the powers given to it by the constitution and has been even asking for more powers.

Now, it is very common for the Election Commission to reprimand the government and the administration for their lapses

and negligence. If the Election Commission feels that the election in a particular constituency was not fair, it often cancels the polling and order a re-poll in some polling booths or even the entire constituency and order for fresh polls.

Electoral Reforms in India

Suggestions for reform relating to changes in electoral procedure were made by the Election Commission in its reports on General Elections, brought out after the completion of each election. However, it is since the fourth General Elections in 1967 that the issue of electoral reforms became a national agenda. Rising incidents of electoral malpractice as evident from instances of booth capturing, snatching of ballot papers, intimidation or luring of voters based on muscle power and money power, etc., demanded a wide range of electoral reforms.

In 1970, the Election Commission took the initiative for electoral reforms. It went a step ahead suggesting reforms. This time, the Election Commission sent to the Ministry of Law a comprehensive proposal along with a draft bill to give effect to the proposed reforms. On the basis of the proposals on the draft bill, the Central Government prepared a bill to amend the Representation of the People's Acts, 1950 and 1951. The bill was introduced in the Lok Sabha in 1973, but with the dissolution of the Lok Sabha in 1977, the bill lapsed.

As a part of his "total revolution" Jayprakash Narayan also made attempts on electoral reforms. On behalf of Citizens for Democracy (an organization founded by Jayprakash. Narayan and V. M. Tarkunde), Jayprakash Narayan set up a committee with V. M. Tarkunde as its Chairman. After holding discussions with the representatives of various organizations, the committee tabled its recommendations in 1975. This initiative by Narayan brought a much needed consciousness about electoral reforms among political parties, the media and concerned citizens.

In November 1983, the Election Commission and the representatives of political parties arrived at a consensus on certain areas which needed reforms. Some of the important matters on which consensus was reached were:

- a. Lowering of the age for candidates contesting in the elections.
- b. Restriction on contesting election from more than one constituency.
- c. State funding of election.
- d. Empowering the Election Commission to countermand or cancel elections on the basis of the report from the election observer.
- e. Empowering the Election Commission to withhold the candidature of a person guilty of corrupt practices.

Rotation of reserved seats.

Increase in requirement of minimum number of votes polled to save security deposit. Change of present electoral system to majoritarian or list system.

Though most of these points are yet to be implemented, in the year 1988 some of the above mentioned proposals were implemented. For instance in 1988 the Election Commission was empowered to countermand the election in the entire constituency, if booth capturing took place in a considerable number of polling stations, and this would certainly influence the result of the election. In the same year, the 64th Constitutional Amendment, reduced the voting age of citizens from 21 to 18 years.

Electoral reforms continued to take place in 1996. It was in this year only that certain important changes were made in the Representation of the People's Act. For instance, the amount of security deposit was increased. This was done to check the multiplicity of non-serious candidates from contesting elections. No liquor or other intoxicants shall be sold, given or distributed at any shop, eateries etc. within a polling area, during 48 hours after the conclusion of poll.

Another significant step taken by the Election Commission in order to bring about electoral reforms was that the Commission issued an order in 1997, making it mandatory for every candidate to file affidavit about his or her convictions in cases under the law. In support of the step taken by the Commission, the Supreme Court on May 2, 2002, ordered the government to bring about necessary amendments so that it becomes obligatory for candidates contesting for Lok Sabha and State Assemblies to provide information about their assets and liabilities, qualifications and criminal antecedents if any. The Election Commission implemented the directives of Supreme Court by an order on May 14, 2002. Moreover, to check the use of muscle power in election, the Election Commission has taken certain steps like:

- a. Ordering fresh elections in cases where activities like booth capturing etc. have taken place.
- b. Carrying arms near election booths have been made a cognizable offence.

Similarly, to ensure adequate representation of women in politics, an initiative was taken through the 73rd and 74th Amendments of the Constitution. These amendments provided for 33% reservation of seats for women in Panchayat Raj Institutions and municipalities. However, seats are not reserved for women in the Lok Sabha and State Assemblies.

Besides these, the Election Commission has suggested various reforms to make the election process as transparent as possible. However, most of the time it is the lack of political will which becomes a major stumbling block to bringing about electoral reforms.

Need Amendment of Anti- Defection Act

Now a day, in India, regional parties are playing a vital role in the Alliance in forming the governments. Before elections number of new political parties are formed. In the elections, all parties members contest in every constituency of Legislative assembly and Parliament. All the political parties blame each other in the public.

- a. After completion of election, if no party gain a sufficient majority for forming the government, a few of the parties collectively form government.
- b. Or if some 'X' political party needs a few members support to form a government, it takes support from another party. If, supported parties are not satisfied by the government they withdraw their support to the government. Hence the government offers some benefits to that parties, to please them aid this leads to corruption.
- c. Some of the political parties are established for the purpose of dividing votes, it becomes, a person owned by a simple majority in elections. After the completion of election these parties are merged in their mother parties.

The above analyses explained that, all the regional and National Political parties are playing a political game with voter. Here all the parties are not giving importance to the voter; they give importance to their victory. Hence, the need to Amend the Anti – defection Act 1985

Grounds of Defection

1. The grounds on which disqualification can be incurred are as under:

- (i) Members belonging to political parties A member of a House belonging to any political party shall be disqualified for being a member of House: -
 - (a) If he has voluntarily given up his membership of such other political party; here no need to wait for decision of Speaker or Chairman of House.
Or
 - (b) No person acts against their political party agenda, if he acts, votes or abstains from voting contrary to the direction issued by the Political party, their membership automatically gets canceled, there is no need to wait for the decision of Speaker or Chairman of House.
 - (c) A member elected independently, he should not support any political party by directly or indirectly. If he does, his / her membership should canceled automatically.

An elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for elections as such member.

Conclusion

This Article deals with the Electoral Reforms in India. In which the Elections are an important part of democratic government. If the election for electing the representatives is not fair and impartial, people lose their faith in the entire democratic system. The Suggestions to reform relating to changes in electoral procedure was made by the Election Commission in its reports in General Elections is brought out after the completion of each election. Further it also concentrated on the functions of Election Commission, electoral reforms in India and rotation of reserved seats. It also emphasized the need to amend the Anti- Defection Act on grounds of defection.

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