



## Indian Electoral System - Major Issues and Remedies

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### KEYWORDS

India is the largest democratic and Republic country in the world. In any democratic and republican country elections are necessary and also a heart to the democracy. In a democracy people have the privilege of being ruled by a government of their own choice. People choose their representatives through elections which are the normal features of democracies all over the world<sup>1</sup>. But these elections should be held freely, fairly, transparently and impartially. For this purpose the constitution of India provides an Election Commission with autonomous (Art 324-329), consisting a Chief Election Commissioner and other Election Commissioners (at present two other election commissioners).

Election commission has been striving to conduct elections fairly and impartially at regular intervals as per the principles of constitution of India, for this it takes several new initiatives in the recent past. Notable among these are, a scheme for use of State owned Electronic Media for broadcast/telecast by political parties, checking criminalization of politics, computerized electoral rolls, providing electors with Identity Cards, simplifying the procedure for maintenance of accounts and filling of the same by candidates and a variety of measures for strict compliance of Model Code of Conduct, for providing a level playing field to contestants during the elections<sup>2</sup> appointing BLOs(Booth Level Officers) and Voters' awareness programmes, EVMs,(Electronic Voting Machines) Web casting, etc. So far, many committees/commissions have been appointed like V.M. Tarkunde Committee, Dinesh Goswami committee, Indrajith Gupta Committee, Law commission. In Indian electoral system so many reforms have been adopted, even though it has been suffering with numerous defections among them few of the following discussed.

### Objectives:-

1. To explain Election Commission and Indian Electoral system
2. To trace out problems face by the Indian electoral system
3. To suggest measures to free, fair and transparent elections

### Election Commission of India (ECI)

Election Commission of India is a permanent Constitutional body established in accordance with the constitution on 25<sup>th</sup> January 1950. Dr.B.R.Ambedkar expressed the objectives of the Election Commission of India in the following words: " Our country is vast, consisting of different races, languages, cultures, religions, classifications etc. So, the Election Commission consisting of the Chief Election Commissioner for all India level is required to prevent injustice which may otherwise happen to mixed population. This central body works with, free from local influences and shall have the control over the entire election machinery in the country"<sup>3</sup>.

In Indian constitution Part XV, Articles 324-329 deals election commission of India. Originally the Commission had only a Chief Election Commissioner, at present it consists of Chief Election Commissioner and two Election Commissioners. For the first time two additional commissioners were appointed on 16<sup>th</sup> October 1989 but they had a very short tenure till 1<sup>st</sup> January 1990. Later, on 1<sup>st</sup> October 1993 two additional

Election Commissioners were appointed. The concept of multi-member Commission has been in operation since then, with decision making power by majority vote<sup>4</sup>.

At the State level, the State Election Commission is headed by the chief Election Commissioner to be appointed by the Governor of that particular State. According to the Art. 243K and Art. 243ZA of the Constitution of India, the State Election Commission is vested the powers to conduct free and fair elections to Local Bodies and superintendence, direction and control of preparation of electoral rolls to conduct of all elections in regular intervals to Panchayat Raj and Municipal bodies(Local Bodies).

### Indian Electoral System:

The Constitution of India has vested in the Election Commission of India the Superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India<sup>5</sup>.

The Indian Electoral system has been broadly divided into two, they are Direct election based on territorial constituencies and Proportional representation by means of a single transferable vote. The first system is followed for the election of the members of Lok Sabha, State Assemblies and Union Territories'assemblies. The second, election held on the basis of proportional representation by means of a single transferable vote for the President and the Vice-President of India, members of Rajya Sabha and members of Legislative councils.

### The main features of Indian electoral system:

1. Elections are held on the basis of Universal adult franchise. Who is a citizen of India and not less than 18 years of age can register as a voter in electoral roll of India. There is no discrimination on the ground of religion, race, caste, sex or any of them.
2. There is a provision for reservation of seats for Scheduled Castes (84 Seats ) and Scheduled Tribes(47 Seats) in Lok Sabha and Assemblies of State and Union Territories, but there is no such provision of reservations in Rajya Sabha at the Union level and Legislative councils at the State level.
3. For the general seats representation is accorded on territorial basis through common electoral roll. Constituencies are delimited with the help of a delimitation commissions (1952, 1963, 1973 and 2002) which is appointed after the census that takes place after every ten years .The result of the revision of constituencies is that that the areas/boundaries change from election to election, but the number of constituencies will not be changed up to the year 2026.
4. Voting takes place through secret ballot for the Lok Sabha and State assemblies. It is most important and prerequisite to the public to express their will freely and fairly. For the Rajya Sabha and Council of States through the open ballot system is introduced to stop the corruption in those elections.
5. Political parties are an indispensable part of the electoral process. In India multi party system is functioning.

6. Elections are determined on the basis of relative majority of valid votes polled.

### MAJORITY SYSTEM

The Present majority system leads to many problems. It decides only who get majority among the contesters irrespective of getting voting percentage, but sometimes this percentage is less than 25 percent of total votes, even though they win in elections, it leads a winning person represents to a constituency with minority votes, but he/she represents the 100 percent people. This system leads to divisive politics in the society on the basis of Caste and Communal.

Instead of this to win one should get more than 50 percent of votes in any election. If anyone can't get at the first round, the second round election should be held between top two candidates. This leads to the collectiveness among the people and also declines the devise politics, like caste politics and communalism. Any political party should get support from all groups of the people otherwise no one can win in elections.

### MONEY POWER

Money power influence is also a major defect in our electoral system. Now a days Elections are costly affair. Sometimes political parties and also aspirants afraid of that frequent elections. Votes are being like a market goods through buying and selling.

In the past industrialists, Businessmen aid the political parties but at present they directly participate in elections, they are contesting in direct elections, sometimes, they buying like MP, MLC seats of Rajya Sabha and Legislative Councils of states respectively from the political parties etc. In many of the cases political leaders are also involving through their nominees in public contracts, agencies of the government and they also become industrialists and businessmen. According to a survey by the Association of Democratic Reforms (ADR), a civil society, 82% of the Lok Sabha members are crorepatis. This figure is much higher than 2004 and 2009 Lok Sabha M.Ps where the 30% and 58% respectively<sup>6</sup>. The following table shows the 16<sup>th</sup> Lok Sabha M.Ps party wise average assets.

**Table 1: Average Assets of M.Ps Party wise in the 16<sup>th</sup> Lok Sabha**

Political Party	Average Assets of Party M.Ps in the 16 <sup>th</sup> Lok Sabha (Rupees in crores)
BJP	11.6 Cr.
INC	16.7 Cr.
AIADMK	6.5 Cr.
BJD	16.5 Cr.
SHS	9.2 Cr.
TDP	64 Cr.
TRS	63.7 Cr.
CPI (M)	79.8 Lakh
LJP	2.5 Cr.
NCP	37.3 Cr.
RJD	4.3 Cr.
PDP	39.7 Cr.
JD (U)	1.7 Cr.
AAP	3 Cr.

**Source: Association for Democratic Reforms<sup>7</sup>**

In 16<sup>th</sup> Lok Sabha undivided Andhra Pradesh M.Ps have more than 50 Cr average assets, no party and state has this much of average. Bharatiya Janata Party M.Ps have 11.6 cr. average assets. C.P.I. (M) party M.Ps have lowest average assets with only 79.8 Lakh only. It is the only party which party

members have below 1cr. average assets.

They are spending huge money in elections, now it became a mania and competition among the contesters' and parties regarding spending money in elections. This expenditure is two types: 1. Permitted under law within the permissible limit 2. Not permitted under law.<sup>8</sup> The second one leads to corruption top to bottom beyond the bounds; it leads to corporate scams, mining scams in thousands and millions of crores of rupees. Limitation of expenditure for MP and MLA and other local government elections is in bigger states 70 lakh in small states 54 lakh for Lok Sabha elections, for MLA Elections 28 Lakh in bigger states and 20 Lakh in small states, but the actual spending exceeds these limitations, many more cases it is in crores, in the form of distribution of liquor, money, cell phones, cricket kits, mess and other items for the voters etc.

To prevent this, political parties income and expenditure should be audited every year. Their transactions should be either Check or DD. Political parties expenditure is also included in the expenditure of the contesting candidates. Political parties are spending huge money from long before elections, but this is not considered as election expenditure. At least for a period of six months before the general elections expenditure of the political parties also considered as expenditure of the candidates by the election commission. Observers should be active to enroll all types of expenditure in their respective allotted area. If such violations are taken place serious action should be announced and taken. Moreover service oriented, dedicated people to the public service will be encouraged.

### GOVERNMENT MACHINERY MISUSED

Government machinery is misused by the ruling parties and governments both at the state level and Union government. Government issues advertisements with photos even before elections with the public money. Sometimes some of the Ministers, Chief Ministers, and Governors visit officially but campaign to the party. Government vehicles, bureaucracy are also used for the party benefits. Governments use the transfers to the party benefits.

Election commission issued guidelines, but they have to look after to be implemented strictly and properly. Election Commission should have own machinery, it do not depend on executive bodies of Union and State governments.

### MUSCLE POWER

Muscle power and domination are another major setback in Indian electoral system. Booth capturing, rigging, scaring the voters and also polling staff, violence before, during and after election are different forms of muscle power. The present measures are not enough to prevent the above malpractices and fair elections. Sometimes this is also manipulated. So all the polling booths are covered with CC cameras (closed circuit cameras) and web casting. CC cameras should be fixed in all polling booths and web casting through internet. Bio-metric System with linkage of ADHAR number will be introduced, like ATMs voters can utilize their vote through the particular centers for a period of time. For this purpose ECI can issue electronic Voting Cards.

### NON-SERIOUS CANDIDATES

The non-serious candidates contesting in elections should be discouraged by increasing the security deposit in regular intervals. For instance in Modakurichi Assembly constituency of Tamil Nadu there were 1033 contesting candidates during the general election to Tamil Nadu Legislative Assembly in 1996 with the intention of upsetting the election process. The ballot papers were in the form of a booklet<sup>9</sup>. There are instances whenever increase the security deposit the average number of contesting candidates is decreased. In 1996 Security deposit was revised from 500 to 10000 for the Lok Sabha and 250/- to 5000 for Legislative assembly elections. This revision of security deposit gave desired results, it had been experienced in 1998 Lok Sabha elections, the average number of contesting candidates at the Lok Sabha elections of 1998 was 09

and 15 in 16<sup>th</sup> Lok Sabha general elections. At present the security deposit for Lok Sabha elections Rs. 25,000/- and 10,000 for Legislative assembly elections, it is very little amount when we compare with other countries in the world. It should be enhanced at least 50% before every five years or general elections of Lok Sabha. Participation in any social service activities is also a minimum requisite to contest elections.

**CRIMINALISATION OF POLITICS**

Criminalization of politics is a serious issue in our present politics. Law makers should not be tainted with criminal charges, so law should keep them away from the elections. In the Present 16<sup>th</sup> Lok Sabha, 53 members out of 543 are facing serious criminal charges, if they convicted, they will be disqualified. According to ADR report 34 percent of the new M.Ps faces criminal charges, the percentage in 2004 and 2009 stood at 24 and 30 respectively. According to the ADR report average pendency of criminal cases declared by MPs under 8(1) and 8 (3) of Representation of Peoples’ Act is 10 years<sup>10</sup>. The following table.2 shows Percentage of M.Ps party wise facing criminal proceeding in the 16<sup>th</sup> Lok Sabha

**Party wise M.Ps Facing Criminal Proceedings in the 16<sup>th</sup> Lok Sabha**

Political Party	Percentage of M.Ps (party wise) facing Criminal proceedings. Average 34 percent
BJP	35 %
INC	18 %
AIADMK	16 %
BJD	15 %
SHS	83 %
TDP	38 %
TRS	46 %
CPI (M)	56 %
LJP	67 %
NCP	80 %
RJD	100 %
PDP	33 %
JD (U)	50 %
AAP	0 %

**Source: Association for Democratic Reforms<sup>11</sup>**

From the above table we can observe RJD M.Ps all are tainted with criminal charges. AAP M.Ps have 0.0 percent criminal charges in the present Lok Sabha. Criminal charges against all parties M.Ps average is 34 percent.

There should be fast track courts for political leaders, all pend-

ing cases or arising cases will be cleared within six months. Unless they clear all charges, they are allowed to contest in the elections at Union or State or Local bodies.

**OPPORTUNISTIC COALITION GOVERNMENTS**

A coalition after elections is also a major defect in our political system. They contest with different ideologies in elections but after elections only for the power, on the name of the preventing re-elections join together to form the government is also against the public opinion. So the coalitions before the elections only will be permitted, for that required amendments will be made to law.

Political defections also a major issue especially at the state level politics. Elected from one party with a particular ideology which is supported by the public but after elections they jump from one party to other party. It should not be allowed either 1/3 or any part, of the party. After resignation or completion of term or merging the party will be allowed. At present Speaker is given power to disqualify the political defections, but in many cases the speaker takes decision on the guidelines of which he belongs the party, so this authority should keep with the Election Commission of India.

**VOTING AGE-CONTESTING AGE**

At present any person gets right to vote at the age of 18 but they can contest in elections after completion of 25 years to the Lok Sabha or Legislative Assemblies. By 25 years they enter into a different profession, they may not come in to political field. Hence the Voting age and contesting to the Lok Sabha and Legislative assembly are also should be the same. By this, the youth will be entered into the direct elections as representatives not mere voters.

**PAID NEWS**

Paid News is a latest serious issue in Indian electoral system. According to the Press council of India “Any news or analysis appears in any media either Print or Electronic for a price in cash or kind as consideration”. In reality it is being difficulty to scrutiny, so the mechanism will be strengthened.<sup>12</sup>

After all above the discussion the present majority system is replaced by above 50% of votes should get to win elections, Political Parties expenditure is also included in candidates expenditure, accounts should be accountable and audited, ECI financial expenditure observers should be activated to register all types of expenditure of the contesting candidates and political parties. Law making houses should be free from tainters to that special fast track courts will be established for charges facing political leaders. In political defections the power to disqualify the members or parties is in the hands of ECI but not in speakers or chairmen. Forming of coalitions after the elections should not be allowed. Contesting age and getting right to vote should be the same. Paid News will be strictly scrutinized with special mechanism.

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