



## Electoral Reforms in India Since Independence

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**ABSTRACT**

When the world is replete with examples where Democracy and electoral processes have failed leading to huge political crises, India is a huge success in the aspect of democracy, despite its multiculturalism and diversity. The recent 16th General Elections have once again proved the vibrancy of Indian Democracy with the largest ever human exercise of Adult Franchise. However, no system is void of flaws. Our political process is swarming with dark alleys of crime, corruption and money power which have the potential to poison our democracy. Hence, In order to imbue our democracy with more life, there are numerous aspects in our electoral process which needs upheaval and constant nurturing. The duty to deepen the democratic values lies in the electoral process of the country. Hence, Electoral Reforms in India are the need of the hour. Electoral reform is a change that is introduce in the electoral systems. This is mainly done to improve how public desires are expressed in election results. The need for electoral reform is usually to improve the voting process, for more transparency in the voting process, as well as to ensure that the voting process is fair and justified.

### KEYWORDS

#### Electoral reforms can include:

Electoral reforms can be on a local basic or on a national basis. The electoral reforms introduced on the national basis are the one that get the most media coverage. The United Nations Fair Elections Commission provides international observers to national elections to ensure that the elections are fair. The United Nations standards address safety of citizens, coercion, scrutiny, and eligibility to vote. They do not impose ballot styles, party diversity, or borders on electoral constituencies.

• A change in voting systems, such as proportional representation, a two-round system also known as runoff voting, instant-runoff voting, Instant Round Robin Voting called Condorcet Voting, approval voting, citizen initiatives and referendums and recall elections.

- Vote-counting procedures
- Rules about political parties
- Changes to election laws
- Change in the eligibility to vote
- Nomination rules and ballot access
- Electoral constituencies and election district borders
- Ballot design and voting equipment
- Election monitoring by candidates, political parties, etc.
- Safety of voters and election workers
- Measures against bribery, coercion, and conflicts of interest
- Financing of candidates' and referendum campaigns
- Voter turnout

#### Electoral Reforms in India since Independence

The following electoral reforms have been introduced in Indian electoral system in the last few years:

##### 1. Lowering of Voting Age:

The Constitution (Sixty-first Amendment) Act, 1988 amends Article 326 by substitutes the words '18 years' for '21 years'. This came into force on 28 March, 1989.

##### 2. Deputation to Election Commission:

Under the Representation of the Peoples (Amendment) Act, 1988 a new section 13CC was inserted which provides that officers or staff engaged in preparation, revision and correction of electoral rolls for elections shall be deemed to be on deputation of Election Commission for the period of such employment and such personnel shall during that period, be subject to control, superintendence and discipline of Election

Commission.

##### 3. Increase in Number of proposers:

Number of electors who are required to sign as proposers in nomination papers for elections to Council of States and State Legislative Council has been increased to ten per cent (10%) of the electors of the constituency or ten such electors, whichever is less, to prevent frivolous candidates.

##### 4. Electronic Voting Machine:

Electronic Voting Machines (EVMs) were first used in November, 1998 in various constituencies in the State elections of Rajasthan, Madhya Pradesh and Delhi. EVMs have been widely used in the Fifteenth Lok Sabha Elections in 2009.

##### 5. Booth Capturing:

Section 58A has been inserted in the Representation of the Peoples Act, 1951 by Act 1 of 1989 providing for adjournment of poll or countermanding of elections because of booth capturing. Booth capturing has been defined in Section 135 A of the Representation of the Peoples Act, 1951. Election Commission on such report may either declare the poll at the particular polling station as void and appoint a date for fresh poll or countermand election in that constituency.

##### 6. Disqualification on Conviction under the Prevention of Insults to National Honour Act, 1971:

Any conviction under Section 2 (offence of insulting the Indian National Flag or the Constitution of India) or Section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 shall hereafter entail disqualification for contesting elections to Parliament and State Legislatures for a period of six years from the date of such conviction.

##### 7. Increase in Security Deposits and Number of Proposers:

The amount of security deposit which a candidate at an election to the House of the People or a State Legislative Assembly has to make has been enhanced as a measure to check the multiplicity of non-serious candidates.

In the case of an election to the House of the People, the amount of security deposit has been increased from Rs. 500 to Rs. 10,000 for the general candidate and from Rs 250 to Rs. 5,000 for a candidate who is a member of a Scheduled

Caste or Scheduled Tribe.

In the case of elections to a State Legislative Assembly, the candidates will have to make a deposit of Rs. 5,000 if they are general candidates and Rs. 2,500 if they belong to a Scheduled Caste or Scheduled Tribe instead of Rs. 250 and Rs. 125 respectively as was being previously deposited by them.

The amended law further provides that the nomination of a candidate in a Parliamentary or Assembly constituency should be subscribed by 10 electors of the constituency as sponsors, if the candidate has not been set up by a recognised National or State Party.

#### **8. Restriction on Contesting Election from More than Two Constituencies:**

A candidate shall hereafter not be eligible to contest election from more than two Parliamentary or Assembly constituencies at a general election or at the bye-elections which are held simultaneously. Similar restrictions will apply for biennial-elections and bye-elections to the Council of States and State legislative councils.

#### **9. Listing of Names of Candidates:**

For the purpose of listing of names of candidates, they shall be classified as (i) candidates of recognised political parties, (ii) candidates of registered- unrecognised political parties, and (iii) other (independent) candidate. Their names in the list of contesting candidates and in the ballot papers will now appear separately in the above order and in each category they will be arranged in alphabetical order.

#### **10. Death of a Candidate:**

Previously, the election was countermanded on the death of a contesting candidate. In future, no election will be countermanded on the death of a contesting candidate. If the deceased candidate, however, was set up by a recognised National or State party, the party concerned will be given an option to nominate another candidate within seven days of the issue of a notice to that effect to the party concerned by the Election Commission.

#### **11. Prohibition of Going Armed to or Near a Polling Station:**

Going armed with any kind of arms as defined in Arms Act. 1959 within the neighbourhood of a polling station is now a cognizable offence punishable with imprisonment upto two years or with fine or with both.

#### **12. Grant of Paid Holiday to Employees on the Day of Poll:**

All registered electors who are employed in any business, trade industrial undertaking or any other establishment shall be entitled to a paid holiday on the day of poll. Even the daily wagers will receive their wages for the said day.

#### **13. Prohibition on Sale, etc., of Liquor:**

No liquor or other intoxicants shall be sold or given or distributed at any shop, eating place, hotel or any other place, whether public or private, within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll.

#### **14. Time Limit for Holding Bye-elections:**

Bye-elections to any House of Parliament or a State Legislature will now be held within six months of occurrence of the vacancy in the House. However, this stipulation will not apply where the remainder of the term of the member whose vacancy is to be filled is less than one year or where the Election Commission, in consultation with the Central Government, certifies that it is difficult to hold the bye-election within the said period.

The President issued an ordinance on 5 June 1997, called the Presidential and Vice-Presidential Elections (Amendment) Ordinance 1997 whereby number of proposers and seconders for contesting election to the office of the President of India was

increased to fifty each in place of ten; number of electors as proposers and seconders for contesting Vice-Presidential election was increased to 20 each in place of five. The amount of security deposit has been increased to Rs. 15,000 in place of Rs. 2,500 for contesting election to the offices of President and Vice- President.

#### **Some suggestions for electoral reforms.**

- Independent Election Machinery
- First Past the Post (FPTP) system should be replaced with Proportional Representation system.
- First past the Post electoral process can be replaced with two stage electoral process.
- There should be simultaneous elections to Lok Sabha and Vidhan Sabhas.
- There is a need to limit the number of political parties in the country.
- Increase security deposit to discourage non-serious members from fighting the elections.
- Candidates should be allowed to fight elections from a single constituency.
- Criminalisation of politics should be checked
- Limitation of poll expenses & reduction of campaign periods
- Use of muscle power, distribution of money and liquor should be checked
- Negative voting and introduction system of recall
- Registration of voters and voting must be made compulsory.
- Political education and awareness of the voters about the elections.
- Fix the maximum age and minimum qualifications for members of legislative bodies.
- Let the government bear the poll expenses of the candidates.

#### **Conclusion**

If the electoral reforms suggested are carried out by the government sincerely, then we can feel proud of our democratic system and project our system as model to be followed by the other newly emerged democratic countries of the world.

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