

## Need For Electoral Reforms in India

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### Abstract

*In a democracy election provide the basis of people's choice and representation. They help provide to crystallize their interest and give expression to them. In the election it is decided who shall govern and who shall have the control over the government. These are, at the same time, also substantive processes of political mobilization and participation. It is through these processes that peripheral groups transcend their regional and caste identities, and acquire over time a certain commonality of economic interests and political identification which help establish a political framework of conflict and negotiation among divergent interest within the society. In India the demand for adult suffrage has become a sine qua non of independence movement. Few disputed its desirability. Direct election was to be the pillar of social revolution. The new Constitution armed the people with the power to change the content of political power through elections. This was guaranteed in Article 326 of the Constitution. This article reads, "The election to the House of the People and the Legislative Assembly of every state shall be on the basis of adult suffrage; that is to say, every person who is citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under law made by the appropriate legislature and is not otherwise disqualified under this Constitution. " This extension of political power to the common man of India, irrespective of caste and sex might surely be characterized as political justice.*

**Keywords:** Electoral Reforms, Democracy Election

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### 1.0 INTRODUCTION

#### 1.1 Criminalization of Politics

Domination of Indian political and electoral scene by criminal elements is one of the most burning issue and traces its root right from the time the first general elections were held. The nature of criminalization has changed substantially over the years and now these elements directly influence and vitiate the condition by winning election themselves and getting elected to state and national legislatures. A number of committees and law commissions have dealt with this issue in a great deal of detail and have made many recommendations to curb this menace. The Vohra committee (1993), in its report, has made following observation: "The Nexus between the criminal gangs, police, bureaucracy, and politicians has come out clearly in various parts of the country and that some political leaders become the leaders of these gangs / armed senas and over the years get themselves elected to local bodies, state legislature and national parliament". According to a survey conducted by ADR, more than 30 percent of the current Lok Sabha MPs have declared criminal charges including serious criminal charges like murder, kidnapping etc. Among the major recommendations to combat this menace, some of them are listed below:

- An amendment to section 128A of the RP act, 1951 be made to provide for more stringent punishment for concealing or providing wrong information regarding income and property, both, movable and immovable.
- The law commission of India in its 170th report in 1999, recommend that Section 8B be added to the RP act, 1951 according to which framing of charges by court, whether be it an electoral charge or for that matter any other charge, be made a ground for disqualification of the candidate.
- The National Commission to Review the working of the Constitution has suggested the permanent debarring of candidates who are facing serious and heinous criminal charges from contesting elections. The same recommendation was very elegantly reiterated by the Election Commission of India in its report in 2005 and was once again suggested by the Second Administrative Reforms Commission (2008) as well.

#### 1.2 Misuse of Caste and Religion for Political Mileage

The misuse of caste, religion, tribe of any other group identity must be stopped and Election Commission of India be given required mandate to suitably amend the RP act, 1951 to provide for stringent punishment such as deregistration of a political party and disqualification of the candidate resorting to such things.

#### 1.3 Money Power in Elections

The use of extravagant amount of money to win election has become a big threat to the Indian democracy and must be curbed in all its manifestation. It is widely opined by many political leaders as well as former election

commissioners themselves that the candidates using a huge amount of money have a greater chance of winning elections. Even the political parties, now a days consider "winnability" as the determining factor while giving tickets. To a large extent it is linked to the criminalization of politics as muscle power and money power go hand in hand. A number of committees such as Vohra committee, law commissions etc. have dealt with this issue in great detail and have come out with following suggestion to control the excessive use of money: There should be a ceiling on the spending of Political parties as well along with the candidates.

The political parties must be brought under the ambit of Right to Information Act, 2005. The idea of state funding of elections was mooted by Indrajit Gupta Committee to control the excessive use of money in political campaigning. Internal democracy within the political parties while distribution of tickets to candidates and financial transparency has also been recommended to curb this menace. Very recently the idea of electoral bonds was mooted by the Finance Minister Arun Jaitley to fight this menace. However, it is imperative to first overhaul the entire political and financial system of Political parties before introducing these reforms as in its absence the entire exercise would turn out to be futile.

## 2.4 Political Reforms

Political are very critical to the functioning of representative democracy. The current scenario of Political parties in India speaks for itself. Absence of internal democracy in terms of financial aspect, political aspect and other aspect have become the salient features of Political parties in India. Some of the key political reforms suggested are as follows:

Internal democracy within the political parties is an essential requirement to overhaul the entire system. There should be democratic elections for various posts within the political parties as the political parties, whenever they get an opportunity try to become the custodian of democratic values in India.

The Election Commission of India should be the final authority on issues relating to registration, de registration, recognition and de recognition of Political parties subject to judicial review only by the Supreme Court of India.

## 2.5 Financial Transparency in Political Parties

This is also one of the fundamental reform that must be done before doing any substantial reform. Bulk of the money that the political parties get come from unaccounted sources. The idea of electoral bonds, introduced in 2016 has certain inherent lacunas. Therefore, it is mandatory to enact suitable law to ensure that the accounting of Political parties is done by auditors, certified by the Comptroller and Auditor General of India and it must also be available in public domain.

## 3.0 CONCLUSION

No system of election can ever be perfect. And in actual election process, there are bound to be many flaws and limitations. Any democratic society has to keep searching for mechanisms to make elections free and fair to the maximum. With the acceptance of adult suffrage, freedom to contest election and the establishment of an independent election commission, India has tried to make its election process free and fair.

However, the experience of the last 65 odd years have given rise to many suggestions for reforming our election system. The election commission, political parties, various independent groups and many scholars have come up with a diverse range of proposals for electoral reform.

Although, there is no consensus about these suggestions. Even if there was a consensus, there are limits to what laws and formal provisions can do. Free and fair elections can be held only if the candidates, the parties and those involved in the election process agree to abide by the spirit of democratic competition.

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