

Electoral Reforms in India

^aRam Babu, ^bA N Panda

^aAssistant Professor, Department of Political Science, Guru Ghasidas Vishwavidyalaya Bilaspur, Chhattisgarh, India

^bFormer Head and Associate Professor Department of Political Science, Guru Ghasidas Vishwavidyalaya Bilaspur, Chhattisgarh, India

Abstract

A representative political system operates through elections and a substantive democracy can be established if free and fair elections are held on a regular basis with greater participation of citizens. India has achieved the credibility of being the largest democracy in the world where the world's largest electorate vote in regularly held elections. Since independence there have been many reforms introduced in the electoral system of India to make it more transparent and impartial and able to produce a truly representative government. Many proactive steps in this direction have been taken to bring desired reforms.

This paper focuses on the different electoral reforms in India.

KEYWORDS: democracy, election, and electoral reforms

Introduction:

Election is essential in a representative democracy. Unlike in a direct democracy where people participate in the decision-making process directly, in a representative system the popular participation is attained through involving the delegates of people while decisions are made. "Election is the act of choosing an individual usually for holding public office through free will of the people in a representative democracy".¹ All modern democracies are representative democracies. 'It is through elections that people in a democracy participate in public affairs and express their wishes. It is through re-election that the transfer of power to new rulers is achieved in a democracy in a peaceful and orderly manner and the authority of the government is legitimized'.² Elections "enable citizens to intervene directly in the political process, select their rulers and express their policy preferences".³ "While politics is the art and practice of dealing with political power, election is a process of legitimization of such power".⁴

Therefore, without a proper electoral system a genuine representative democratic system cannot be imagined. Through elections people express their preferences and choose their governors. To make a political system representative, responsive, and responsible a suitable electoral system is necessary. 'Out of the 167 countries, there are only 23 full democracies, and only 8.4% of the world population lives in a full democracy'.⁵ The makers of the Indian Constitution preferred a parliamentary democracy in India and prescribed an electoral system which according to them

would be capable of maintaining a ‘Socialist, Secular, and Democratic Republic’ in India which has so many pluralities and complexities.

Electoral System in India

India is a Republic and all political offices including the highest political office in the country, the office of the President of India, are filled through elections. The Central and state governments are formed by elections; the members of Parliament, and state legislatures are elected by voters directly or indirectly; even the grassroots decision-making systems in the country are controlled by elected political leadership. The Representation of the People Act, 1950, and the Representation of the People Act, 1951 deal with different matters related elections.

Though in India, the universal adult franchise and first past the post principle are the bases for electing the final candidates, other electoral methods such as, proportional representation, list system, single transferable vote system, etc. are also followed. The Constitution of India provides different provisions for regulating elections in its Part XV and from Articles 324 to 329. ‘The Indian democratic system is based on the principle of universal adult suffrage as well as first past the post system. The voting right is given to any citizen over the age of 18, which was 21 years prior to 1989, except those who are considered unwell of the mind, and who are guilty of certain criminal offences.’⁶ The first General Election was held in 1951. ‘The country is divided into 543 parliamentary constituencies, and 4120 Assembly constituencies each of which returns one MP to the Lok Sabha and one MLA to one of the Legislative Assemblies of a state, respectively’.⁷

‘Art 325 and 326 provide for Universal adult suffrage; franchise is free and equal, and without any kind of discrimination. The Representation of People Acts 1950 and 1951 further lay down the comprehensive framework, guidance for conduct of elections and the related matters. This strong foundation has helped democratic polity and culture in India to sustain itself on the basis of prescription of ‘Every Vote Matters’; grow and shape up as the largest and one of the most stable and confident democracies of the world’.⁸ The first general elections to the Lok Sabha and the Legislative Assembly were held between October 1951 and March 1952. The first Lok Sabha, consisting of 497 members, was constituted on 2 April 1952. The first Rajya Sabha, was constituted in April 1952 had 216 members. At the time of the first general election in 1951–52, the Commission recognized 14 political parties as multi-state parties and 39 parties as state parties.⁹

The political parties are subjected to the law of the land through their registration. “In India, registration of a Political Party is must, following which it can be eligible under the regulations of the Representation of the People Act, 1951. At present, India has over 2143 registered political parties out of which 400 were formed in the last five years. As per the Act, for registration, a body or association of persons is required to apply to the Election Commission of India wherein full details required under subsection (4) of section 29A of the Representation of People Act, 1951 along with the supplementary documents as are necessary for the political party registration”.¹⁰

The Election Commission of India

‘The Constitution creates an Election Commission to supervise and oversee the elections in India. It is responsible for conducting elections to fill up the posts of President, Vice President, and members of Parliament and State Legislatures.

The Electoral Roll is prepared, and maintained by the Election Commission. In addition to registering the political parties it has power to monitor the total election process starting from filling of nomination and campaigning to the declaration of results.¹¹ The Election Commissioners are appointed by the President of India. Only Parliament can remove the Chief Election Commissioner by an impeachment.

The nature of the Election Commission has been changing over the time since its inception. 'Article 324 of the Indian Constitution creates the Election Commission. Though the Constitution of India was adopted on 26th November, 1949 and enforced on 26th January, 1950, the Election Commission was formally constituted on 25 January 1950. Shri Sukumar Sen was the first Chief Election Commissioner who was appointed on 21 March 1950. The Election Commission was a single-member body from 1950 to 16 October 1989; it became a three-member body from 16 October 1989 to 1 January 1990. However, again on 1 January 1990, it became a single member body. But since 1 October 1993, the Commission has three members, the Chief Election Commissioner and two other Election Commissioners. All Election Commissioners are treated at par with judges of the Supreme Court in terms of salary and allowances. Their term of office is six years or up to 65 years, whichever is earlier. The differences of opinion are resolved by majority vote'.¹²

Electoral reforms in India

To understand the electoral process in India it is necessary to know the party system in the country as the parties are the major players in the election system. Till late 1960s, India had a multi-party system, dominated by Congress Party as the Centre as well as most of the states was ruled by it. Many political issues were sorted out at party level within the Congress Party. But after late 1960s, many regional parties came to power in states and elections had a new significance as political issues were raised and decided in elections. This situation encouraged many electoral malpractices as attempts were made to win elections by any means. As a result, the need for electoral reforms was felt.

'In 1970, a parliamentary committee was formed for the first time for suggesting changes in election law. But the committee ended with the dissolution of Lok Sabha in December 1970. However, a Joint Parliamentary Committee on Election Law was constituted under the chairmanship of Shri Jagannath Rao after a new Lok Sabha was formed in 1971'.¹³

Later, several other committees were formed which suggested many electoral reforms in their reports. 'The Tar Kande Committee Report of 1975, Dinesh Goswami Committee Report of 1990, Vohra Committee Report of 1990, Indra Jit Gupta Committee Report of 1998, the Election Commission's recommendations in 1998, the Report of Election Commission of India on proposed electoral reforms in 2004, the Second Administrative Reforms Commission of India Report in 2007, the Law Commission of India 244th Report in 2014, and the Law Commission of India 255th Report in 2015 created condition for election reforms. The Election Commission has also made several recommendations for electoral reforms'.¹⁴

The different reforms in the Indian electoral system can be discussed as follows:

Creating Multi-Member Election Commission

‘Election Commission of India is a permanent Constitutional body.’¹⁵ it has more than one member. A single member commission may be biased as it is controlled by one individual with substantial power. His understanding of a situation may not be acceptable to all and allegations of bias will be generally labelled against him. If more than one person takes decisions, the decisions would face less opposition.

Applying Model Code of Conduct

‘The Model Code of Conduct, which is called Election Model Code of Conduct (MCC), contains guidelines issued by the Election Commission for conducting free and fair elections; it comes into force immediately after the election program is announced by the Commission. The MCC originated in the 1960 Assembly elections in Kerala. Later, the Election Commission issued a code of conduct to all recognized political parties and state governments in the 1962 Lok Sabha elections. But as electoral norms continued to be repeatedly violated, the Election Commission decided in 1991 to implement the MCC more strictly. The Code has been revised from time to time. It is provided that from the time of the announcement of elections by the Commission, no financial grant can be declared by ministers and other officials, the government cannot provide any new land for projects or public initiatives, no recruitment can be made by Government bodies, and Election campaign, rallies and roadshows should not affect the general public’.¹⁶

Reducing voting age

Democracy is synonymous with people’s power. Democracy can be strengthened if there is association of more people in the political process. It also checks political corruption because when a smaller number of people decides the rulers they can be motivated to act in a particular way, but it is not possible to sway a large number of voters. To involve more people in the political process the voting age has been reduced from 21 years to 18 years through the 61st Constitutional Amendment Act, 1988.

Preventing Misuse of Government Machinery

“It is generally complained that the government in power at the time of election misuse official machinery to further the election prospects of its party candidates. The misuse of official machinery takes different forms, such as issue of advertisements at the cost of government and public exchequer highlighting their achievements, disbursements out of the discretionary funds at the disposal of the ministers, use of government vehicles for canvassing, etc. The misuse of official machinery in the ways mentioned above gives an unfair advantage to the ruling party at the time of elections”.¹⁷

The misuse of government machineries by ruling party has been pointed out very often. The judiciary has also taken note of it. It is established in the classic case of *Indira Gandhi vs. Raj Narain*. ‘In 1971 5th Lok Sabha elections, the Congress Party, secured 352 seats out of 518. Raj Narain, leader of Ram Manohar Lohia’s SSPhad contested against Mrs Indira Gandhi, the then Prime Minister from UP’s Rae Bareilly Constituency. He filed a petition in the Allahabad High Court accusing Mrs. Gandhi of violating the election code. Indira Gandhi’s election was declared void on the grounds of corrupt practices on 12th June 1975 by Justice Jag Mohanlal Sinha who held Indira

Gandhi guilty of misusing Government machinery u/s- 123(7) of Representation of People's Act, 1951. As a result, she was barred from contesting elections for next six years. She appealed in the Supreme Court against this decision and the Court granted an executional stay. A state of emergency was declared by the then President Fakhruddin Ali Ahmad on the ground of internal disturbances, which continued from 1975 to 1977.¹⁸

Facilitating Postal Ballot Voting

Some voters do not remain physically present in their constituencies during election. 'Vote through post' is allowed to such voters for exercising their franchise. This facility has been further extended to aged people and persons with disabilities. "Seeking to make the procedure to opt for postal ballot more convenient for those above 80 years of age and people with disabilities, the Election Commission (EC) has come out with a set of new instructions. The form required to opt for the postal ballot would be delivered at the residence of all those above 80 years of age and people with disabilities by the booth level officer under his polling station. These instructions have been issued based on the feedback the poll panel received from civil society and media during its visit to poll-bound Bihar last week. The EC said the fresh instructions would be applicable to all elections and by-elections, including the bypolls announced last week to 56 assemblies and one Lok Sabha seat."¹⁹

Preventing Booth Capturing

If any genuine voter is prevented to cast vote or if fake vote is cast in the name of genuine voters, then it is an election malpractice. Sometimes polling booths are criminally captured and votes are cast by people who are not genuine voters or the genuine voters are forced to vote in a particular way. "The first incident of booth capturing in India was recorded in the general elections of Bihar in 1957 at Rachiyah village in Begusarai district, under Matihani assembly seat in favour of Saryug Prasad Singh who is a Communist leader. Later, capturing of booths became a trend that spread around. To capture the booths political parties hired criminals."²⁰ The Election Commission of India decided in 1989 to postpone or cancel the election in case of booth capturing.

Ending Criminalisation of Politics

Another hindrance for free and fair elections is the influence of criminals in elections. Sometimes, political leaders take the help of criminals for political gains during elections. Sometimes, criminals themselves contest elections and use muscle power to win elections.

"This is an issue being raised by the Commission from 1998 onwards. Disqualification for criminal offences is provided for in Section 8 of the Representation of the People Act, 1951. As per that Section, a person is disqualified from contesting election only on conviction by the Court of Law. There have been several instances of persons charged with serious and heinous crimes like murder, rape, dacoity, etc. contesting elections, pending their trial, and even getting elected in a large number of cases. This leads to a very undesirable and embarrassing situation of law breakers becoming law makers and moving around under police protection. The Commission had proposed that the law should be amended to provide that any person who is accused of an offence punishable by imprisonment for five years or

more should be disqualified from contesting election even when trial is pending, provided charges have been framed against him by the competent court”.²¹

Regulating Exit Polls and Opinion Polls

Free and fair elections can be held if the voters are left to take their conscious decisions during elections without any influence. But sometimes attempts are deliberately made to influence the voters in a particular way through mass media by forecasting poll results on the basis of pre-poll and exit poll surveys before and during elections. If elections are held on a single day, then the problem is minimised, but if the polling is held in different phases, the polling in later phases are unduly influenced by these predictions. The Election Commission has taken different steps to check this malpractice.

“The Commission had issued some guidelines in this regard in 1998. The Commission reiterates its view that there should be some restriction on publishing the results of opinion polls and exit polls. Such a restriction would only be in the wider interests of free and fair elections. Regarding the argument about the right to freedom of information sought to be linked to the dissemination of results of opinion and exit polls, it has to be noted that the past experience shows that in many cases, the result of elections has been vastly different from the results predicted on the basis of the exit polls. Thus, the information claimed to be disseminated turned out to be disinformation in many cases. The Commission recommends that there should be a restriction on publishing the results of such poll surveys for a specified period during the election process”.²²

Preventing Paid News

Mass media is a powerful agent of public opinion. But sometimes opinions are created by implanting fake news by paying money to the media houses. During elections, sometimes attempts are made to influence voters through paid news. “Printed from Paid news or paid content are those articles in newspapers, magazines and the electronic media, which indicate favourable conditions for the institution that has paid for it. The news is much like an advertisement but without the ad tag. This kind of news has been considered a serious malpractice since it deceives the citizens, not letting them know that the news is, in fact, an advertisement. Secondly, the payment modes usually violate tax laws and election spending laws. More seriously, it has raised electoral concerns because the media has a direct influence on voters”.²³

“The Standing Committee identified various reasons for the rise in paid news. Poor wage level and decline in the autonomy of the journalists, corporatisation of media, and tug of war between editors and managers of the newspapers and channels, are few of the major contributors”.²⁴ “The Commission recommends regulating and prohibiting government sponsored advertisements six months before the expiry date of the House / Assembly to maintain fairness of elections; Preventing the use of public funds for inter-state interests, highlighting the achievements of the government; and ensure that the ruling party or candidate does not get unfair advantage over each other in the spirit of free and fair elections.”²⁵

Limiting Poll Expenses

The use of money by political parties and candidates to lure the voters and influence the poll results is another kind of fraud committed during elections. The misuse of money during election is a hindrance for holding free and fair elections.

“The influence of money and inducement to electors are major challenges in the conduct of free and fair elections. These adversely affect the level playing field for Political Parties and candidates. The Commission issued comprehensive guidelines for the stringent monitoring of election expenditure by candidates and Political Parties. Expenditure monitoring of candidates and Political Parties was done as per the provisions of the R.P. Act, 1951”²⁶

The Commission has made many suggestions in this regard. “The Commission has fixed legal limits on the amount of money which a candidate can spend during the elections campaign. These limits have been revised from time to time. During 2004 elections, the ceiling limits for Lok Sabha seats varied between Rs 10, 00,000 to Rs 25, 00,000. For Assembly seats, the highest limit was Rs 10, 00,000 and the lowest limit was Rs 5, 00,000. Currently, there is no limit to the amount a political party can spend on a candidate in an election. However, the Commission has fixed the spending limit for individual candidates. For Lok Sabha elections, it is 50 - 70 lakhs depending on the state they are contesting from Lok Sabha seat, and 20 - 28 lakhs for assembly elections. The EC, by appointing expenditure observers, keeps an eye on the individual accounts of election expenditure made by a candidate during the election campaign. The contestants are also required to give details of expenditure within 30 days of the declaration of the election results”²⁷.

‘According to NITI Aayog, in the last 30 years, there has not been a single year without an election to either a State Assembly or to Lok Sabha or both. There has been an idea of ‘One Nation One Election’ or structuring the Indian election cycle in a such manner that elections to the Lok Sabha and the State Assemblies are synchronized together to avoid a huge burden on the government exchequer’²⁸. To reduce the poll expenses, “the EC is also in favour of holding the Lok Sabha and the Assembly elections simultaneously, and to reduce the campaign period from 21 to 14 days”²⁹.

Giving Right to vote to Non-Resident Indians

‘Right to vote ensures participatory and responsible government and empowers the citizens to control the decision-making process. Right to vote creates civic consciousness among citizens. The Constitution of India guarantees fundamental rights for equal protection of law and equality before law and no discrimination can be made between citizens living in India and citizens living abroad. Furthermore, as per Article 326 of the Constitution of India, read with Article 19 and 16 of the Representation of People Act, 1950 and 11A and 62 of the Representation of People Act, 1951, provides that any person not otherwise disqualified and has attained eighteen years of age and is ordinarily resident in a constituency, has a right to vote in elections of Lok Sabha and Legislative Assemblies. The Constitution of India recognises right of every citizen to vote. The statutory provisions are contained under the Representation of the People Act, 1950 and the Representation of the People Act, 1951 and rules include the Conduct of Elections Rules, 1961 and Registration of Electors Rules, 1960’³⁰.

'The Union government has agreed in letter and spirit to implement the Supreme Court direction and the Election Commission's recommendation to allow Non-Resident Indians to vote from overseas through postal ballots. Parliament passed the Representation of the People Amendment Act in 2010 to introduce Section 20A that enables a person who is a citizen of India, and is away from her ordinary residence in India for employment, education or other reasons, to be eligible to be registered as a voter in the constituency mentioned in her Indian passport: before that amendment, only "ordinary residents" could cast their vote. Although the 2010 amendment intended to include NRI participation in national politics, Section 20A had required NRIs to be physically present in their respective constituencies at the time of elections'.³¹

Providing Separate Polling Station for Women

India has a traditional society where women encounter many restrictions. To encourage voting by women special polling stations can be arranged for them. "The Commission directed that in areas where women voters feel inhibited in mingling with male electors because of local custom or social practice, a separate Polling Station for women could be provided after acquiring the approval of the Election Commission. Further, in the case of populous villages, if two Polling Stations are to be provided for a village, one may be assigned for male electors and the other for female ones. In Polling Stations provided exclusively for women electors, polling personnel should normally also be women. When separate Polling Stations are provided for the men and women of a particular polling area, these should, as far as possible, be located in the same building for general convenience".³²

Introducing Electors Photo Identity Cards (EPIC)

"In an attempt to improve the accuracy of the electoral rolls and prevent electoral fraud, the Election Commission in August 1993 ordered the issue of electors' photo identity cards (EPICs) for all voters. A modest attempt to introduce the photo identity cards was made for the first time in 1978 at the instance of the then Chief Election Commissioner, S.L. Shakhder, in the case of elections to the Legislative Assembly of Sikkim. During the 2004 Assembly elections, it was mandatory for people to furnish EPICs at the time of voting. People who did not possess EPICs had to bring the proofs of identity as prescribed by the EC at the time of voting. The distribution of EPICs, on the part of the Election Commission, was a major step to reduce electoral malpractices. Only genuine voters were listed in the rolls with the issue of voter identity cards".³³

Using of Electronic Voting Machine (EVM)

"One of the most revolutionary steps taken by the Commission to make the electoral process simpler, smoother and quicker was the use of Electronic Voting Machines for taking poll and counting of votes. Elections from Parliamentary and Assembly constituencies to the House of the People and the State Legislative Assemblies were hitherto being held under the traditional system of ballot papers and ballot boxes. The Commission has brought about significant improvement in the election procedure by taking advantage of the scientific and technological advancements".³⁴

The electronic voting machine, also known as EVM, is an electronic device used to cast votes. Electronic voting machines were introduced in India to solve the problem of ballot box capturing and casting of incorrect votes. The EVM was used for first time in 1998 on experimental basis in some selected constituencies in Madhya Pradesh, Rajasthan, and Delhi. Goa is the first state where it was used for the first time in the entire state in 1999 general election. In 2003, EVMs were used in all by-elections and state elections. Presently, elections are conducted by using EVMs.

Introducing VVPAT

‘VVPAT is an independent system attached to an EVM that allows the voters to verify that their votes are cast as intended. When a vote is cast, a slip is printed on the VVPAT printer containing the serial number, name and symbol of the candidate voted. This remains visible to the voter through a transparent window for seven seconds. Thereafter, this printed slip automatically gets cut and falls into a sealed drop box. If need be, these printouts can later be counted. In October 2010, political parties expressed their satisfaction with EVMs, but some parties requested the Commission to consider introducing VVPATs for further transparency and verifiability of the votes cast. The Commission referred the matter to its technical committee on EVMs to examine and make a recommendation to the Commission. In the same year the Commission conducted simulated elections for the field trial of the VVPAT system in various places including Thiruvananthapuram, Ladakh, Cherrapunji, and Jaisalmer. Two years later, the government amended the Conduct of Elections Rules, 1961 allowing the Commission to use VVPATs along with EVMs. These were first used in the bye-election for the Noksen Assembly seat in Nagaland in 2013. Thereafter, VVPATs had been used in select constituencies in every election to the State Assemblies. They were deployed in eight Parliamentary constituencies during the 2014 Lok Sabha elections. In the 2019 Lok Sabha elections, VVPATs was decided to be used in all the constituencies.’³⁵

Computerisation of Electoral Rolls

“In view of the vast numbers of electors involved and the need for regular revision both as a normal activity for updating the rolls and also as a necessary input for major electoral events like Elections to Lok Sabha and State Legislative Assemblies, the Commission decided in August 1997 to take a nation-wide programme for computerisation and comprehensive improvements of the system of management of electoral rolls”.³⁶

Use of Media for disseminating Election Information

“Media has an important role in the democratic process. It provides valuable information to the voting public and the citizens with relation to the entire electoral process. Media provides both intensive and extensive coverage of the campaigns, the programmes and policies of the political parties, constituencies and candidates, the functioning of the Government during the run up to the elections and finally the actual electoral event - polling and counting. In the last few years, there has been a tremendous growth of media in the country both - print and electronic, but it has been rather spectacular in the latter. Consequent upon large scale proliferation of the electronic media, its coverage of the electoral process has assumed greater significance. In this light, the Election Commission of India has also taken a proactive and positive approach in facilitating the media in obtaining and disseminating

information on the decisions and initiatives of the Commission and the details of the actual conduct of elections in the country. The Commission has taken several major initiatives in this regard and the subject of laying down standard guidelines for the facilities to be made available to media persons interested in covering an election conducted under the superintendence, direction and control of the Commission, engaged special attention of the Commission”.³⁷

Use of social media in Elections

“Taking into account the significant influence and impact of social media nowadays, the Election Commission of India decided to enhance its interaction and involvement with all its stakeholders in the electoral processes through the use of social media at the State as well as at the district levels. Instruction in this regard was issued to CEOs of all States/UTs on September 6, 2016. The CEOs and DEOs were expected to activate their official accounts on various social media platforms such as Facebook and Twitter, for establishing a more interactive system. The CEOs were to set up a Social Media Cell to professionally handle social media and disseminate all necessary information regarding voters’ awareness, pre-certification, MCC and so on through it. They were encouraged to capture campaign activities in the form of audios, videos and photographs and put them up on social media platforms and all complaints received on this platform were to be promptly responded to. At the Election Commission of India level too, a Social Media Cell was set up to monitor the performance of the State / UTs and District and to train them to maximize the use of social media, making it more interactive and interesting for the general public”.³⁸

Declaration of Candidate's Assets

Corruption in high offices has been a burning issue in recent time as very often political power is misused for monetary gains. To check political corruption the assets of the candidates in an election is made public so that people can know the financial position the leaders when they are in office. “With the implementation of the Supreme Court order by the Election Commission of India, it has become mandatory for all contesting candidates to declare their assets and liabilities at the time of filing of the nomination papers”.³⁹

Restriction on the number of seats from which one may contest

Election is an expensive process. When a candidate contests from more than one seat and wins from more than one, he retains one seat and vacates the others which requires by-election to fill up vacancies. This is an unnecessary burden on the public exchequer. “As per the law as it stands at present (sub-section (7) of section 33 of the Representation of the People Act, 1951), a person can contest a general election or a group of by-elections or biennial elections from a maximum of two constituencies”.⁴⁰ “The Commission is of the view that the law should be amended to provide that a person cannot contest from more than one constituency at a time”.⁴¹

Prohibition of Campaign during 48 Hours before conclusion of Polling

The decision makers are selected by voters through election which necessitates judicious actions by voters in a calm environment, not vitiated by emotions and cajoling. To maintain equanimity at the time of polling steps have been taken by the Election Commission. It “prohibits electioneering activities by way of public

meetings, public performance, processions, advertisements through cinematograph, television or similar apparatus, during the period of 48 hours before the time fixed for the conclusion of the poll. Political advertisements on television and radio are prohibited during these 48 hours under the above provisions. The print media, the political parties and candidates issue advertisements in newspapers during this period including on the day of the poll. A distorted advertisement in print media on the poll day leaves the other candidates with no opportunity to undo the damage”.⁴²

Provision for Negative/Neutral Voting

If a voter does not find any candidate of his choice, he can reject all contesting candidates. “In the voting using the conventional ballot paper and ballot boxes, an elector can drop the ballot paper without marking his vote against any of the candidates, if he chooses so. However, in the voting using the Electronic Voting Machines, such a facility is not available to the voter. Although, Rule 49 O of the Conduct of Election Rules, 1961 provides that an elector may refuse to vote after he has been identified and necessary entries made in the Register of Electors and the marked copy of the electoral roll, the secrecy of voting is not protected here inasmuch as the polling officials and the polling agents in the polling station get to know about the decision of such a voter. The Commission recommends that the law should be amended to specifically provide for negative / neutral voting there shall be a column “None of the above”, to enable a voter to reject all the candidates, if he chooses so”.⁴³ The provision of NOTA has been included and the voter gets a right to reject all the candidates.

Enhancing Voters’ Participation

The Election Commission of India has taken initiatives to educate and empower voters. “Major initiatives in this area include Systematic Voter Education and Electoral Participation (SVEEP) including National Multi Media Campaign, Electoral Literacy Clubs, Voter Awareness Forums; National Voters’ Day (NVD) celebration, National Consultation on Accessible Elections, user friendly registration and polling stations, Integration of state-of- the- Art Technologies including digital technologies in addressing the challenges of voter connect and customized facilitation initiatives for different categories of voters.”⁴⁴

Conclusion

In a representative democracy, the adult citizens of the country have a right to select their rulers. If the election is free, fair, and transparent, they get an opportunity to exercise their franchise satisfactorily; sincere and honest governors are selected who are truly representatives of people and responsive to popular aspirations. Therefore, a right electoral system is most essential in a representative democracy. The Election Commission is aware this and it ‘formulates a comprehensive, efficient and effective framework for the smooth conduct of free, fair and credible elections in accordance with constitutional provisions and obligations.’⁴⁵ Efforts have been made to remove the defects of the system; but reforming the electoral system is a continuous process which makes the system suitable to face new challenges.

Reference:

1. Sneha, Ritwik & Garg, Rishab., Legal Service India.com, <http://www.legalservicesindia.com/article/1281/Ownership.html>
2. Electoral Reforms in India, Reference Note, Members Reference Service Larrdis Lok Sabha Secretariat, New Delhi, No.3/RN/Ref./February/2020, http://164.100.47.193/Refinput/New_Reference_Notes/English/04022020_105450_102120474.pdf
3. Joseph, Sarah and Mahajan, Gurpreet.,1991, “Elections and Democratic Process in India”, EPW, August 24, 1991, p-1953.
4. Singh, Bimal Prasad, Dr.,March. 2013, “Electoral Reforms in India –Issues and Challenges” International Journal of Humanities and Social Science Invention, ISSN (Online): 2319 – 7722, ISSN (Print): 2319 – 7714, Volume 2, Issue 3,p-1.www.ijhssi.org,
5. The State of Democracy in the World: The Most Democratic Countries, Feb 11, 2021,<https://www.thestreet.com/personal-finance/state-of-democracy-world-most-democratic-countries-2021>.
6. The Election Commission of India,<https://eci.gov.in/about/about-eci/the-functions-electoral-system-of-india>.
7. Ibid.
8. Voice International, April 2020, A quarterly magazine for voter information, communication & education, Vol- IV, Issue-1, p-19-20.
9. Evolution of Electoral System of India,<https://www.pib.gov.in/indexd.aspx>.
10. Jain, Shivani., 1st Jan 2020, “My story, Political Party: Concept and Registration Process in India” <https://yourstory.com/mystory/political-party-concept-registration-process-india>.
11. The Election Commission of India,<https://eci.gov.in/about/about-eci/the-functions-electoral-system-of-india>.
12. Evolution of Electoral System of India,<https://www.pib.gov.in/indexd.aspx>.
13. Electoral Reforms in India, Reference Note, Members Reference Service Larrdis Lok Sabha Secretariat, New Delhi, No.3/RN/Ref./February/2020, pp-6-7.
14. Election Commission of India, <http://www.legalservicesindia.com/> , p-9.
15. Election Commission of India,<https://eci.gov.in/about/about-eci/the-setup-r1/>.
16. Kaur, Sumandeep., November 25, 2008, Electoral Reforms in India: Proactive Role of Election Commission, Mainstream, Vol XLVI, No 49. p-1,<https://www.mainstreamweekly.net/>
17. Bimal Prasad, Dr., March. 2013, “Electoral Reforms in India – Issues and Challenges” International Journal of Humanities and Social Science Invention, ISSN (Online): 2319 – 7722, ISSN (Print): 2319 – 7714, Volume 2, Issue 3, p-1.www.ijhssi.org,
18. Legal service India, E-Journal, Indira Gandhi vs Raj Narain Case Analysis<http://www.legalserviceindia.com/legal/article-2879-indira-gandhi-vs-raj-narain-case-analysis.html>
19. The Hindu, October 04, 2020, Election Commission makes procedure to opt for postal ballot by elderly people with disabilities friendlier, <https://www.thehindu.com/news/national/election-commission-makes-procedure-to-opt-for-postal-ballot-by-elderly-people-with-disabilities-friendlier/article32765349.ece>

20. The times of India, February 14, 2005, where booth capturing was born, <https://timesofindia.indiatimes.com/city/patna/Where-booth-capturing-was-born/articleshow/1020435.cms>
21. Proposed Electoral Reforms, 2004, Election Commission of India, www.eci.gov.in
22. Election Commission of India, August 2, 2004, Nirvachan Sadan, Ashok Road, New Delhi, pp-9-10.
23. Nandi, Ashutosh., Oct 24, 2010, <https://timesofindia.indiatimes.com/what-is-paid-news/articleshow/6801559.cms>
24. https://blog.ipleaders.in/story-behind-paid-news-elections/#Causes_of_paid_news
25. Electoral Reforms in India, February 2020, Reference Note, Members Reference Service Lardis Lok Sabha Secretariat, New Delhi, No.3/RN/Ref./p-10, http://164.100.47.193/Refinput/New_Reference_Notes/English/04022020_105450_102120474.pdf
26. Annual Report, 2016, Election Commission of India, p-23, <https://eci.gov.in/>
27. Election Commission of India, <http://www.legalservicesindia.com/>
28. Singh, Amit., November 10, 2020., One Nation One Election: Constitutional challenges, p-1, www.legalserviceindia.com/legal/article-1763-one-nation-one-election-constitutional-challenges.html
29. Election Commission of India, <http://www.legalservicesindia.com/article/246/Election-Commission-of-India.html>
30. Legal service india.com, <http://www.legalservicesindia.com/article/2266/Voting-Rights-in-India-to-Non-Resident-Indians.html>
31. The Hindu, January 15, 2015, Voting for Abroad, <https://www.thehindu.com/opinion/editorial/voting-from-abroad/article6789567.ece>
32. Annual Report, 2016, Election Commission of India, p 114.
33. Ramesh, R., 2011, "Historical Perspectives of The Electoral Reforms in India", Proceedings of the Indian History Congress, Vol. 72, PART-II pp. 1325-1336, Published by: Indian History Congress.
34. Elections in India Major Events & New Initiatives 1996-2000, Election Commission of India, Nirvachan Sadan Ashoka Road New Delhi, pp-4-5.
35. The Hindu Business Line, February 12, 2019, all you wanted to know about VVPATs, <https://www.thehindubusinessline.com/opinion/columns/slate/all-you-wanted-to-know-about/article26240639.ece>
36. Elections in India Major Events & New Initiatives 1996-2000, Election Commission of India NirvachanSadan Ashoka Road New Delhi, p-255.
37. Elections in India Major Events & New Initiatives 1996-2000, Election Commission of India NirvachanSadan Ashoka Road New Delhi, p-293.
38. Annual Report, 2016, Election Commission of India, p-34-35, <https://eci.gov.in/>
39. Kumar, Sanjay., Aug. 24-30, 2002, "Reforming Indian Electoral Process", Economic and Political Weekly, 37, No. 34, p. 3491.
40. Election Commission of India Nirvachan Sadan, Ashok Road, New Delhi, August 2, 2004, p-8.
41. Ibid.

42. India Votes, the general elections 2014, published by 2015, the Election Commission of India p-38, www.eci.nic.in
43. Election Commission of India, August 2, 2004, Nirvachan Sadan, Ashok Road, New Delhi, p-14.
44. Voice International, April 2020, A quarterly magazine for voter information, communication & education, Vol- IV, Issue-1, p-20.
45. Voice International, April 2020, A quarterly magazine for voter information, communication & education, Vol-IV, Issue-1, pp-18-19.