INTERNATIONAL JOURNAL OF LAW

MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Follow this and additional works at: https://www.ijlmh.com/

Under the aegis of VidhiAagaz – Inking Your Brain (https://www.vidhiaagaz.com/)

In case of **any suggestions or complaints**, kindly contact **Gyan@vidhiaagaz.com.**

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to **submission@ijlmh.com.**

Issues and Challenges Before Election Reform: Indian Prospective

ANKIT MITRA[1]

ABSTRACT

India, the world's greatest democracy, assures its citizens of free and fair elections. The largest electorate to participate in regular elections in India's history serves as a testament to the core principles of the nation's democratic system. In this evolving context, maintaining the core tenets of democracy necessitates an electoral process that is more transparent in addition to being free and equitable. Unfortunately, cases of dishonesty overshadow the benefits of our voting system and compromise its legitimacy. As electoral politics continue to degenerate, more and more elections will be required. To fully realize the promise of our democratic system, we need to update our electoral processes. Regaining the confidence of voters in the political process is necessary to strengthen democracy. This article aims to provide an overview of India's current election system and offers suggestions for enhancements.

Keywords: Democracy, elections, corrupt, electoral system, election commission.

I. INTRODUCTION

The electoral process is one of the most important parts of our democratic system. The official method by which voters select candidates to fill public office is the electoral system. The construction of a free and equitable system that guarantees impartial elections is the goal of electoral reforms. Elections are the cornerstone of our democratic system because they allow us to select our representatives. The advancement of the general welfare of the populace is the aim of this system of governance. Political parties are crucial in parliamentary democracies like India's, and elections have a long history there. Three tiers of elections are supported by our federal form of government: state, municipal, and federal. [2]

II. ELECTION SYSTEM IN INDIA

India, the largest democracy in the world, mostly uses elections to establish political power. The practice of politics, which is based on the creative use of power, depends heavily on elections. Since elections are essential for gauging public opinion, the foundation of democracy

---

[1] Author is a student at Law College Dehradun, Uttaranchal University, Dehradun, Uttarakhand, India.
[2] Singh, B. P. (2013). Electoral Reforms in India–Issues and Challenges. *International Journal of Humanities and Social Science Invention*, 2(3), 1-5.

is the belief in free, fair, and impartial elections. But the substantial monetary outlays and physical labour required to win an election suggest that something is wrong with the system. By the time of the fourth general election (1967), standards had obviously fallen, despite the fact that the first three (1952–1962) were mostly free and fair. The Indian election system has faced several difficulties throughout the years. The fifth general elections in 1971 marked the start of the country's electoral corruption, which got worse in successive elections, especially those held in the 1980s and later. Some politicians and political parties, motivated by a win-at-all costs mindset, overlook moral considerations when running for office. A candidate for public office must be able to compete on the basis of their commitment to serve the public interest, public spirit, and moral and ethical integrity. However, they are not individuals who are likely to get into politics or occupy elected office.

III. ISSUES WITH THE ELECTION REFORMS IN INDIA

One of the numerous difficulties facing Indian democracy is holding free and fair elections. The main problems impeding India's democratic process include sectarianism, casteism, communalism, money influence, criminalization of politics, and booth takeover.

- Abuse of Government Machinery

It is well known that the current administration routinely contributes public funds to political candidates that align with its political agenda. The use of government-owned vehicles for political campaigning, ministerial discretionary financing, and government-funded advertisements showcasing achievements are a few examples of the improper use of official equipment. The abuse of public money for election-related activities to promote party candidates is encouraged by this use of funds by the government, which provides the governing party an unfair advantage.[3]

- Money Power

Money power has a significant impact on the timing and conduct of elections. It also fuels widespread corruption and the emergence of black money, which has a significant amount of power in our nation. Candidates in every constituency need to spend millions of dollars on transportation, advertising, and other essential campaign expenses. The struggle between political parties to outspend one another is the reason behind the rise in election spending. It is becoming more difficult for less wealthy individuals to run for office in India because to the growing disparity between approved and actual expenses. Too often, votes are bought and sold

---

[3] Singhvi, L.M. (1971,). Elections and Electoral Reforms in India,165, New. Delhi: Sterling Publishing House

instead of truly representing the people's desire.

- Muscle Power

Manipulation, intimidation prior to and during voting, and booth takeover all heavily involve physical force. These situations are becoming more dangerous for India and more prevalent throughout the nation. Violence is a common tactic used by criminal elements to win elections for their followers.[4]

- The criminalization of politics

Newspapers generally publish a lot of information regarding the number of offenders in each party-sponsored field during election season. Politics is where criminals go to gain power and make sure that charges against them are dismissed or never pursued. Criminals are a source of finance for political parties, which in turn provide them with security and political favors. More than 20% of candidates in every state election have a criminal record. Mafia lords and other prominent lawbreakers have demonstrated their ability to wield physical strength as a tool, frequently securing votes through threats. In certain regions of the nation, voters are compelled to support the local autocrat. Even the National Party extended seats to its candidates with criminal records. Since corrupt people and criminals must join our system, politics has become more criminalized.[5]

- Casteism

Indian political parties are competing to win over these groups to their cause with promises since different caste groups contribute a substantial amount of support to many political parties. Caste is a factor that political parties use to shape their programs, presidential candidates, and policies at all levels. As a result, candidates were chosen according to the values of their caste, religion, and community rather than their qualifications, talents, or merit. In the end, caste becomes the determining element for selecting applications.[6]

- Communalism

Since India's independence, several organizations have emerged throughout its states and territories as a result of communal politics and religious radicalism. These intercommunal

---

[4] Kumar, C. (2015). Electoral violence, threats and security: Problems and prospects for Indian democracy. *American Journal of Social Science Research*, *1*(1), 38-51.
[5] Kaul Summer (2002), 'Who wants to cleaner Electoral System? Not the Politicians', Parliamentary Affairs, August Bangalore.
[6] Agarwalla Shyam Sunder. Religion and Caste Politics, Jaipur: Rawat, 1998, 118.

disputes put India's political values of pluralism, federalism, and parliamentarianism under peril. Although secularism is enshrined in the Indian constitution, the political atmosphere in the nation no longer reflects the attitude of tolerance that is essential for a secular state. In the past 10 years, tensions between self-described secularists and communitarians have progressively come to light in state and federal politics. Unfortunately, when selecting candidates for electoral office, caste and religious attitudes, as well as community links and caste equations, tend to be strongly taken into account.[7]

- Lack of Moral Principles in Politics

Political parties' ideological purity has drastically decreased. The party politics that has produced India's shallow administration runs counter to Mahatma Gandhi's teachings, who urged the Congress party to be disbanded upon independence and urged its members to devote their lives to serving the people. Although Gandhi's teachings placed a strong emphasis on selflessness, generosity, and allegiance to the people, democratic institutions and principles have progressively been compromised in the years after the Constitution was ratified. The essential attribute that ought to unite people and political parties is reliability, but it has vanished. Due to parties being embroiled in self-serving power conflicts, the leadership has deteriorated. In modern politics, the Gandhian ideal of selfless devotion to the country has disappeared. Money and power are the two main vices that distort elections and encourage unethical behaviour. Thus, morality is becoming less relevant in electoral politics. Election-related fairness can only be attained when candidates respect their moral principles and play by the rules.

- Political Party Non-Serious Candidates

Recent years have seen a steady rise in the number of candidates seeking office, mostly due to the engagement of independent candidates. Since many of these candidates enter the contest with less than honest motives, they wind up forfeiting their deposits. In an effort to split support along caste lines, outwit rivals, or use physical force to convince voters at polling booths and counting centers, prominent politicians frequently field small candidates. The electoral process's integrity is jeopardized by the large number of candidates, which makes it difficult for election officials to manage it effectively and makes it difficult for voters to choose the candidates they favor.

---

[7] Prakash. Chandra. Changing Dimensions of the Communal Politics in India, Delhi: Dominant Publishers; see also, Singh, Mahindera Prasad, "Communalism and Party Politics in India", Trends in Social Science Research. 1999; 1(1):18.

IV. ACTIONS TAKEN BY THE GOVERNMENT

The Indian Election Commission and others in various locations have called attention to the voting method's faults and offered some useful ideas. However, despite everything, the problems still exist and are just as difficult and terrible as they were before. Several reports and laws, such as the Joint Parliamentary Committee on Amendments to Election Law (1971–1972) and the Goswami Committee Report (1990), offer a wealth of proposals for changes to the electoral process. But not much has been done; there is still a lot of work to be done. The country as a whole is experiencing anxiety due to the growing influence of criminal and antisocial forces in politics. As a result, the European Commission (EC) has implemented several measures, such as forbidding political parties from transmitting or broadcasting on state-owned electronic media, looking into the possibility of outlawing political parties, and enforcing strict regulations to ensure fair elections. In order to prohibit the use of government positions for electoral gain, political parties and candidates in India are required to abide by a Model Code of Conduct published by the Election Commission of India before to elections. Many believe that the Indian electoral system is gravely defective and that in order to keep anti-social elements out of politics, the Constitution has to be improved.[8]

V. SUGGESTIONS

To develop an election system that is free and fair, the following suggestions need to be considered:

- In order to maintain the impartiality and effectiveness of the election, the Election Commission need its own independent personnel.

- The EC is an independent constitutional body, and neither the legislative nor executive departments should have any influence over it.

- Endorsing respectable candidates through political parties, whose financing need to be transparent, is the most effective method of battling political corruption. A corrupt candidate should not be allowed to run.

- To be a true and genuine democracy, political party registration and recognition must be equal and free from any kind of compulsion or control.

- Throughout elections, the media should uphold democracy and report with objectivity.[9]

[8] Kalit, A. Election and Electoral Reforms for Better Democratic India. *Atishay Kalit*, 192.
[9] Sharma, D. (2019). Role of Election Commission in Electoral Reforms. *Pramana Research Journal*, *9*(12), 48-

- The right to vote must be absolute for every voter, free from fear of consequences or improper influence from any source.

- In order to prevent electoral violence and corruption, it is important to keep a tight eye on the election expenses that are established by the Election Commission of India for each contender.

- Strictly enforce the model code of conduct and penalize violators. The judiciary should take immediate action if it finds any kind of election-related violation.

- To protect voters' identities and rights, computerized voting systems should always provide the option to pick "None of the above".

- It is advised that the Election Commission of India link the UIDAI (Aadhar) card and mandate voter biometric trait authentication at the time of voting in order to prevent fraudulent and proxy voting.

- The VVPAT, or voters verifiable audit trial Voters can provide feedback using this method. It is a separate verification printer that is linked to electronic voting equipment. This strategy will regain the confidence of voters and promote greater openness.

VI. CONCLUSION

Notwithstanding the Election Commission's continuous attempts to implement desired electoral changes targeted at enhancing democracy and fairness in elections, incidents of dishonest and illegal conduct continue to occur at different polling stations. While political parties have a responsibility to act honourably and responsibly, we all have a responsibility to handle this issue seriously and with sincerity. The primary problem is not a lack of laws, but rather an improper application of those that do exist. The Election Commission needs more institutional and legal power to combat these unfair election-related practices. To execute simultaneous elections for state legislatures and the parliament, a number of procedural steps need to be completed. Good things should come out of the ongoing conversation on simultaneous elections, which necessitates communication between the leaders of each party in order to come to a consensus. Clearly, this kind of change would lessen the detrimental impacts on general government operations, growth, and administrative responsibilities in states and regions holding elections.

*****

54.