Strengthening India's Electoral Democracy

This editorial is based on "[Election Commission of India is one of the greatest gifts of the Constitution](#)" which was published in The Indian Express on 25/11/2024. The article brings into picture the strengths and challenges of India's electoral system, highlighting the progress made by the Election Commission and judicial oversight, while emphasizing the urgent need for comprehensive reforms.

For Prelims: [India's electoral system](#), [Electoral bond](#), [Government of India Act, 1919 (Montagu-Chelmsford Reforms)](#), [Government of India Act, 1935](#), [Article 324](#),[61st Constitutional Amendment Act, 1989](#), [Right to Information Act](#), [None of the Above](#), [Model Code of Conduct](#), [Association for Democratic Reforms](#), [Representation of the Peoples' Act, 1951](#).

For Mains: Evolution of Electoral System in India, Key Issues Related to India's Electoral System.

[India's electoral system](#)**,** established by the **Constitution in 1949,** stands as a globally admired democratic framework. Despite being the **world's largest democracy**, the nation faces significant challenges including **political criminalization and systemic electoral vulnerabilities.** The Election Commission has made remarkable progress, particularly in **improving voter representation and electoral integrity.** Judicial oversight has been crucial in protecting democratic principles, most notably in recent **[electoral bond](#)** **rulings.** To truly evolve, India must urgently implement comprehensive electoral reforms.

How the Electoral System Evolved in India?

- **Pre-Independence Era:**
    - **Government of India Act, 1858:** British Crown assumed control; no representative governance.
    - **Indian Councils Act, 1861 & 1892:** Introduced limited participation of Indians in legislative councils but without electoral representation.
    - **Government of India Act, 1909 (Morley-Minto Reforms):** Introduced communal representation with separate electorates for Muslims.
        - Marked the first instance of limited form of electoral representation for Indians
    - **[Government of India Act, 1919 (Montagu-Chelmsford Reforms)](#):** Expanded the electorate to include property owners and taxpayers.
        - Introduced dyarchy, with partial Indian representation in provincial councils.
    - **[Government of India Act, 1935](#):** Provided for **provincial autonomy and expanded electorates.**
- **Post-Independence Era:**
    - **Constituent Assembly Debates: Universal adult suffrage adopted as a fundamental principle and** ensured an inclusive, democratic process for elections.

- **Articles Governing Elections:**
  - **Article 324**: Establishment of the Election Commission of India (ECI) to oversee free and fair elections.
  - **Articles 325–329**: Enshrine the framework for elections, delimitation of constituencies, and prohibition of discrimination.
- **Key Developments in the Electoral System:**
  - **Initial General Elections (1951-52):** First democratic elections held with **universal adult suffrage**.
    - Over 173 million voters participated; **85% were illiterate,** necessitating innovative measures like **symbols for parties**.
  - **Institutional Strengthening of ECI:** Initially, the commission consisted of only a Chief Election Commissioner.
    - In **1989, ECI became a multi-member body.**
    - It briefly reverted to a single-member body in **1990**, but since 1993, it has been functioning as a **three-member body (one Chief Election Commissioner and two Election Commissioners).**
  - **Reduction of Voting Age:** The **61st Constitutional Amendment Act, 1989**, lowered the voting age from **21 to 18 years**, enabling youth participation in the electoral process.
  - **Right to Information Act (2005):** Brought political parties under public scrutiny.
    - The Supreme Court in 2020 ordered **political parties to publish the entire criminal history of their candidates** for Assembly and Lok Sabha elections.
  - **Technological Integration:**
    - **1989**: Provision for **Electronic Voting Machines** (EVM) was made.
    - **2011**: Prototype of Voter-Verifiable Paper Audit Trail (VVPAT) was developed to enhance transparency and used for the first time in 2013.
  - **Introduction of None of the Above (NOTA):** In **2013**, following a Supreme Court directive, the **NOTA** option was introduced in EVMs, allowing voters to abstain from choosing any candidate while maintaining ballot secrecy.
  - **Model Code of Conduct (MCC):** Originating in Kerala (1960), the MCC was expanded by **1979** with the participation of political parties.
    - **T.N. Seshan's tenure (CEC)** is noted for strict enforcement of the MCC and the introduction of **Electors' Photo Identity Cards (EPICs)** in **1993**.

What are the Key Issues Related to India's Electoral System?

- **Money Power in Elections:** Unchecked use of money in elections undermines the principle of free and fair elections.
  - **Political parties and candidates often rely on unaccounted funds,** leading to opaque financing and increasing the influence of corporations and the wealthy.
  - Almost **60% of the funds received by political parties** cannot be traced and come from "unknown" sources, including electoral bonds, according to a report by the **Association for Democratic Reforms (ADR).**
    - Electoral bonds have accounted for more than **Rs 16000 crore worth funds** contributed to various political parties so far.
  - The Supreme Court recently held that the **Electoral Bond Scheme was unconstitutional for violating the right to information of voters.**
- **Criminalization of Politics:** The rising number of candidates with criminal backgrounds erodes public trust in governance.
  - Parties prioritize **winnability over integrity,** often fielding candidates with serious charges.
  - A 2024 report by ADR reveals that **251 (46%) of the 543 newly elected Lok Sabha members have criminal cases** registered against them, **with 27 having been convicted**. This marks the highest number of elected candidates with criminal charges.
  - The **Supreme Court's directive to publish criminal records** has had limited impact due to weak enforcement.
- **Low Voter Turnout:** Voter apathy, especially in urban areas, remains a **persistent issue,** affecting the legitimacy of the electoral process.
  - **Lack of awareness, logistical challenges, and alienation from politics** deter participation.

- For instance, **Phase 3 of the Lok Sabha election 2023 saw a 2.9% drop in voter turnout** compared to 2019. Urban constituencies like Bengaluru have turnout as low as **54%.**
- **Electoral Violence and Intimidation:** Physical intimidation and violence disrupt the democratic process in several states, particularly in rural and conflict-prone regions.
  - This deters free expression of voter choice and compromises fairness.
  - For example, Violence reported in **West Bengal** during the **sixth phase of Lok Sabha elections** 2024.
- **Misuse of Media:** The misuse of media for propaganda and the spread of misinformation polarize the electorate and distort democratic discourse.
  - **Paid news and the lack of regulatory mechanisms** exacerbate this problem.
  - Nearly **80% of India's first-time voters** find themselves bombarded with fake news on popular social media platforms, according to a survey.
  - **Deep Fake videos** of **Manoj Tiwari** were used to boost voter outreach.
- **Election Commission's Independence:** Questions about the autonomy and impartiality of the Election Commission (EC) have emerged **due to perceptions of bias and delayed action against violations.**
  - The Supreme Court in 2023 mandated a **selection committee for the Chief Election Commissioner** to ensure greater independence. However, the effectiveness of these measures remains to be seen.
  - Election Commissioner **Arun Goel resigned just days before the expected announcement of the 2024 Lok Sabha election schedule**, has raised suspicions.
- **EVM Reliability and VVPAT Implementation:** Despite assurances from the EC, doubts about EVM tampering persist, especially among opposition parties.
  - Reports indicated EVM malfunctions in states like Assam, where approximately **150 EVMs** were replaced due to technical issues
  - The **limited use of VVPAT paper trails** in counting further fuels suspicion.
- **Gender Representation Gap:** The underrepresentation of women in legislative bodies reflects a structural bias in candidate selection.
  - Women make up **only 13.6% of the Lok Sabha (2024). Nari Shakti Vandan Adhiniyam will be implemented only after 2029** showing the slow pace of political reform.
- **Frequent Elections and Model Code of Conduct:** The cycle of frequent elections across states leads to governance paralysis as the **Model Code of Conduct restricts decision-making and policy implementation.**
  - This also strains resources, with simultaneous elections proposed as a potential solution.
  - The **2019 Lok Sabha elections, spread over seven phases, cost ₹60,000 crore,** highlighting the logistical and financial burdens of fragmented elections.
- **Vote-Buying and Freebie Culture:** Distribution of **cash, liquor, and other inducements** compromises the sanctity of elections and leads to poor governance outcomes.
  - The **Election Commission of India** reported record seizures of over **Rs 1,000 crore in Maharashtra and Jharkhand** during **the recent assembly bypolls,** seven times higher than in 2019.
    - The haul included cash, precious metals, drugs, liquor, and freebies, with Maharashtra leading in seizures.
  - Moreover, the promise of unsustainable freebies, such as the **"revdi culture"**, shifts focus away from sustainable development policies.
- **Lack of Inner-Party Democracy:** Political parties often lack transparency and internal democracy, leading to centralized decision-making and dynastic politics.
  - Presently, there is **no statutory backing for internal democratic regulation of political parties in India** and the only governing provision is under **Section 29A of the Representation of the Peoples' Act, 1951.**
  - This curtails opportunities for **grassroots leaders and weakens accountability**. For instance, **30% of 2019 Lok Sabha MPs belonged to political families,** reflecting the entrenched nature of dynastic politics in India
- **Disenfranchisement of Migrant Workers:** Millions of internal migrants are effectively disenfranchised as they are unable to vote in their home constituencies due to logistical and legal barriers.
  - The EC's proposal to introduce **Remote Voting Machines (RVMs)** has faced criticism for

feasibility issues.

- According to Census 2011, India has over **450 million internal migrants,** many of whom remain unrepresented.

- **Mismanagement of Delimitation:** Delimitation exercises, **frozen since 1976** to maintain parity in representation, have created significant imbalances in representation.
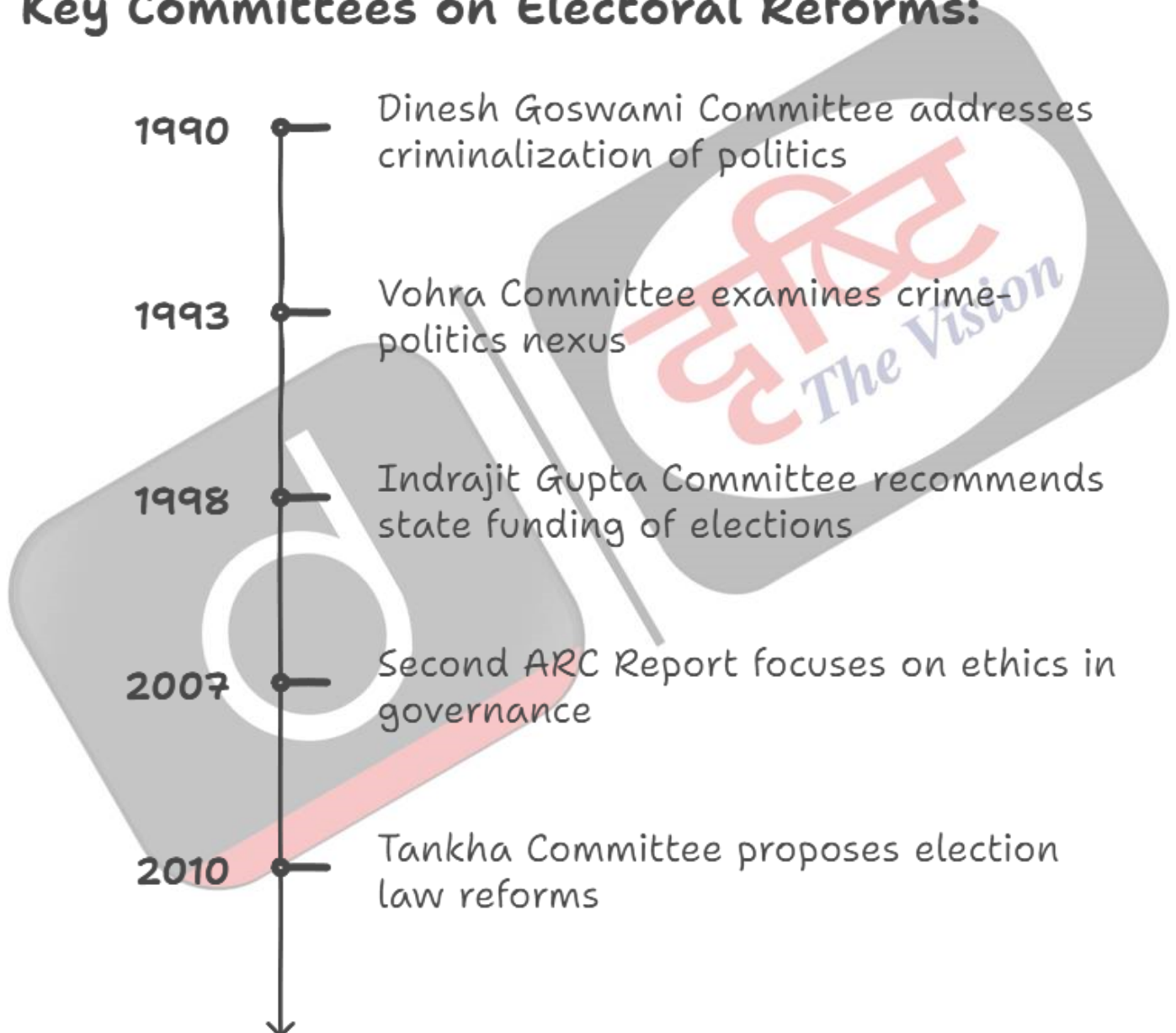
  - States like Uttar Pradesh and Bihar have a **disproportionately higher number of seats compared to those like Kerala or Tamil Nadu**, which have successfully implemented population control measures.

- **Neglect of Environmental Costs in Campaigning:** The environmental impact of large-scale campaigning, including rallies and posters, remains unaddressed.

  - Plastic waste generated during elections has become a significant concern. For instance, the EC launched the 'Eco-Friendly Election Campaign' initiative in 2023 to minimize this impact, but compliance has been minimal.

//

Key Committees on Electoral Reforms:

1990	Dinesh Goswami Committee addresses criminalization of politics
1993	Vohra Committee examines crime-politics nexus
1998	Indrajit Gupta Committee recommends state funding of elections
2007	Second ARC Report focuses on ethics in governance
2010	Tankha Committee proposes election law reforms

What Measures can be Adopted to Enhance India's Electoral System?

- **Addressing Criminalization of Politics:** There's an urgent need for strict provisions for

candidates with serious criminal charges from contesting elections unless cleared by a fast-track court.
  - Strengthen the enforcement of the Supreme Court's directive to publish criminal records prominently. The Representation of the People Act could be amended to ensure stricter eligibility criteria
- **Simultaneous Elections:** Conducting **simultaneous elections for the Lok Sabha and state assemblies** can reduce logistical challenges and financial costs while minimizing governance disruption due to frequent polls as advocated by **Kovind Committee.**
  - This would require constitutional amendments and synchronization of terms, but **it is achievable through political consensus.**
  - Implementation could involve pilot testing in select states before nationwide rollout.
- **Improving Voter Turnout:** Initiatives like **online voter registration and remote voting mechanisms** for migrants can address the disenfranchisement of large sections of the population.
  - The **EC's proposal for Remote Voting Machines (RVMs)** is a promising step but requires robust testing and safeguards.
  - Awareness campaigns, particularly targeting urban areas with low voter turnout, can enhance participation.
- **Strengthening the Independence of the Election Commission (EC):** Ensure **financial autonomy for the EC to prevent executive interference.**
  - Address allegations of bias through **regular performance audits by independent bodies.**
  - The **EC's credibility, questioned in 2019 Lok Sabha elections, can be bolstered through such reforms.** Institutional accountability mechanisms are essential for maintaining trust.
- **Mandatory Inner-Party Democracy:** Enforce **internal elections within political parties** to select candidates and leaders, ensuring transparency and accountability.
  - Amend the Representation of the People Act to include **penalties for non-compliance, such as deregistration of parties**.
  - The Election Commission can mandate regular audits of party functioning. **Incentivizing compliant parties** through additional public funding can promote this reform.
- **Regulating Digital Campaigning and Social Media:** Introduce stringent regulations to **curb misinformation and paid news on digital platforms during elections.**
  - Platforms like **WhatsApp and Facebook** should be mandated to flag and remove fake news promptly.
  - Creating an **EC-supervised fact-checking unit** can address this challenge. Transparency in digital ad expenditure must be enforced to ensure accountability.
- **Expanding VVPAT Coverage:** Ensure VVPAT slips verification for at least **5% of EVMs as upheld by the Supreme Court to bolster trust in electronic voting.**
  - Increasing coverage, while resource-intensive, can enhance credibility in the system.
  - Public awareness campaigns about **VVPAT processes can counter doubts about EVM reliability.**
- **Combating Freebie Culture:** Establish guidelines **for electoral promises, distinguishing legitimate welfare measures from unsustainable freebies.**
  - The EC can mandate parties to provide a fiscal roadmap for their promises.
  - Parties promising **unsustainable schemes should face public accountability through mandatory disclosures**. Educating voters about the long-term impacts of freebies is equally crucial.
- **Enhancing Security in Conflict Zones:** Deploy advanced surveillance and increased **paramilitary forces to ensure free and fair elections** in conflict-affected areas.
  - Improved logistical planning, such as **mobile polling booths, can enhance voter participation** in insurgency-hit regions.
  - Partnerships with local communities to build trust can improve turnout. Independent observers can monitor sensitive zones to prevent malpractices.
- **Promoting Environmental Sustainability in Campaigns:** Mandate **eco-friendly practices like digital campaigning, biodegradable posters**, and paperless voting mechanisms.
  - Large-scale rallies generate significant plastic waste, undermining environmental goals. Incentives for parties adopting sustainable practices can drive change.
  - Collaborating with **NGOs for clean-up drives post-campaigns can further reduce**

environmental impact.

Conclusion:

Strengthening India's electoral democracy requires a comprehensive approach, addressing systemic flaws like **criminalization, voter apathy, and misuse of resources.** Reforms such as enhancing the **Election Commission's independence, promoting inner-party democracy, and leveraging technology are crucial**. A transparent and inclusive electoral process is vital to uphold democratic integrity. India's commitment to reform can set a global benchmark for vibrant democracies.

> ***Drishti Mains Question:***
>
> "India's electoral democracy is vibrant yet faces systemic challenges that require urgent reforms." Discuss in light of recent electoral trends and suggest measures to strengthen the democratic process in India.

UPSC Civil Services Examination Previous Year Questions (PYQ)

Prelims:

Q.1 Consider the following statements: (2017)

1. The Election Commission of India is a five-member body.
2. The Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.
3. Election Commission resolves the disputes relating to splits/mergers of recognised political parties.

Which of the statements given above is/are correct?

(a) 1 and 2 only

(b) 2 only

(c) 2 and 3 only

(d) 3 only

Ans: (d)

Mains:

Q.1 To enhance the quality of democracy in India the Election Commission of India has proposed electoral reforms in 2016. What are the suggested reforms and how far are they significant to make democracy successful? **(2017)**