



Mains Practice Question

Q. Analyze the impact of electoral reforms after 1990 on the functioning of the Election Commission of India and their implications for democratic governance. **(250 words)**

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Approach

- Start with the significance of electoral reforms in a democracy like India
- Mention impacts of electoral reforms on functioning of ECI
- State impacts of electoral reforms on Democratic Governance.
- Conclude Suitably.

Introduction

Electoral reforms are pivotal in shaping the contours of a **nation's democratic framework**, influencing the **integrity, transparency, and credibility** of the electoral process.

- In India, the post-1990 era witnessed a watershed moment with a series of far-reaching reforms aimed at strengthening the functioning of the ECI and overall democratic governance.

Body

Impact of Electoral Reforms After 1990:

- **On Functioning of Election Commission of India:**
 - **Electronic Voting Machines (EVMs):** In **1992**, Parliament inserted **Section 61A in the Representation of People Act, 1951** and rules validating the use of the EVM and paving way for their use in elections. The ECI started using EVMs widely in 1998.
 - The Supreme Court in the **Jayalithaa and Ors vs. Election Commission of India (2002)** stated that the use of EVMs in elections is constitutionally valid.
 - **Voter-Verifiable Paper Audit Trail System (VVPAT):** In **2013**, the Central government notified the amended Conduct of Elections Rules, 1961, enabling the ECI to use VVPAT with EVMs.
 - The Supreme Court in **ADR Vs Election Commission of India (2024)** upheld the legality of using VVPAT with random 5% verification in Assembly constituencies.
 - **Appointment of Election Commissioners: The CEC and Other ECs (Appointment, Conditions of Service and Term of Office) Act 2023**, introduced a Selection Committee for appointment of Election Commissioners including the **Prime Minister, a Union Cabinet Minister, and Leader of the Opposition.**
 - However, the Supreme Court, in the **Anoop Baranwal vs Union of India Case 2023**, emphasized recommendations from the **Dinesh Goswami Committee (1990)** and the **Law Commission's 255th report (2015)** on Electoral Reforms.
 - These reports proposed a committee with the Prime Minister, Chief Justice of India, and Leader of the Opposition for appointing the CEC and ECs.
- **On Democratic Governance:**
 - **Allocation of Time on Electronic Media:** The **2003** ECI notification on allocation of

equitable time on electronic media during elections has democratized political discourse, allowing diverse voices and viewpoints to reach the electorate.

- This provision has mitigated the influence of **biased media coverage, fostering informed decision-making among voters.**
- **NOTA (None of the Above):** NOTA was introduced in elections in **2013**, granting voters the ability to abstain from voting for any candidate while maintaining ballot secrecy.
 - The Supreme Court instructed the Election Commission to incorporate the **None of the Above (NOTA) option** in both ballot papers and Electronic Voting Machines.
- **Ban on Exit Polls:** A **2009 provision** bans conducting and publishing exit polls during Lok Sabha and State Legislative Assembly elections till the last phase of polling is over.
 - Exit polls can impact voter behavior, causing a shift from choice-based voting to mass-based voting when one party dominates in the early phase of elections. .
- **Increased Voter Participation and Confidence:** Voter facilitation measures, such as the **National Voters' Service Portal and the Voter Helpline**, have improved voter awareness and engagement, leading to higher turnouts.

Conclusion

The electoral reforms after 1990 have significantly enhanced the functioning of the ECI, empowering it to uphold the principles of **free, fair, and credible elections**. While these reforms have had positive implications for democratic governance, ongoing challenges and concerns such as **executive interference, money power in elections, and technological vulnerabilities persist** that need to be addressed to further strengthen India's democratic fabric.

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