Electoral Reforms in India

Source: TH

Why in News?

The **Election Commission of India (ECI)** has invited political parties to discuss **strengthening elections** amid allegations of electoral roll manipulation and duplicate **Electors Photo Identity Card (EPIC)** numbers.

What Are the Legal Provisions Governing Elections?

- **Article 324**: Grants the ECI the authority to **supervise, direct, and control** the preparation of **electoral rolls** and the conduct of elections to **Parliament and State legislatures.**
- **Representation of the People Act, 1950:** It includes provisions for election officers such as **chief electoral officers, district election officers, and electoral registration officers**, as well as electoral rolls for Parliamentary, Assembly, and Council constituencies.
- **Representation of the People Act, 1951 (RPA)**: Deals with the **pre-election process**, mainly the **preparation and maintenance** of electoral rolls.
- **Registration of Electors Rules, 1960**: Lays down **detailed procedures** for the **implementation** of electoral roll-related provisions under **RPA, 1951**.
  - E.g., Guidelines for the **inclusion, correction, or deletion** of names in electoral rolls.
- **Delimitation Act, 2002:** It was enacted to **redraw the boundaries of parliamentary and assembly constituencies** based on the latest Census data.

Note: Evolution of Voting Methods:

- **1952 & 1957: Separate ballot boxes** for each candidate.
- **1962:** Introduction of **ballot papers** with candidate **names and symbols**.
- **2004:** Introduction of **Electronic Voting Machines (EVMs).**
- **2019:** Mandatory use of Voter Verifiable Paper Audit Trail **(VVPAT) slips alongside EVMs.**

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ELECTORAL REFORMS IN INDIA

ELECTORAL REFORMS ARE CHANGES MADE TO IMPROVE THE ELECTION PROCESS AND ENSURE FAIRNESS.

Electoral Reforms Before 1996

- **Model Code of Conduct (1969):** Guidelines to regulate political parties and candidates prior to elections
- **61st Constitutional Amendment Act (1988):** Lowering of the voting age from 21 to 18 years
- **Electronic Voting Machines (EVMs) (1989):** Switched from individual colored ballot boxes to ballot papers, and later to EVMs
- **Booth Capturing (1989):** Provision for adjournment of poll or countermanding of elections in such cases
- **Elector's Photo Identity card (EPIC) (1993):** Electoral roll is the basis to issue EPIC to registered electors
- **ECI- A Multi-member Body (1993):** Election commissioners were appointed in addition to CEC

Electoral Reforms of 1996

- **Time-limit for By-elections:** Elections must occur within 6 months of any vacancy in a legislative house
- **Listing of Names of Candidates:** Contesting candidates categorized into 3 groups for listing
  - Recognised & registered-unrecognised political parties
  - Other (independent)
- **Disqualification for Insulting the National Honour Act, 1971:** Leads to election disqualification for 6 years upon:
  - Insulting the National Flag, Constitution of India or preventing the singing of National Anthem

Electoral Reforms After 1996

- **Vote Through Proxy (2003):** Service voters in Armed Forces & forces under Army Act can vote by proxy
- **Allocation of Time on Electronic Media (2003):** Equitable sharing of time on electronic media during elections to address the public
- **Introduction of Braille Signage Features in EVMs (2004):** To facilitate the visually impaired voters to cast their votes without an attendant

Electoral Reforms Since 2010

- **Voting Rights to Indian Citizens Living Abroad (2010)**
- **Online Enrollment in Electoral Roll (2013)**
- **Introduction of NOTA option (2014)**
- **VVPAT Voter Verified Paper Audit Trail (2013):** Introduction of VVPAT with EVMs to conduct free and fair elections
- **Photos of Candidates on EVMs and Ballot Papers (2015):** To prevent confusion in constituencies with namesake candidates
- **Introduction of Electoral bonds (2017 Budget):** An alternative to cash donations for political parties
  - Declared as unconstitutional by SC (2024)
- **Launch of Electronic EPIC (2021)**
- **Home Voting for People with Disabilities & Those Above 85 years of Age (2024)**

IMPORTANT COMMITTEES/ COMMISSION

Committees/ Commission	Year	Purpose
Tarkunde Committee	1974	By Jaya Prakash Narayan (JP) during the "Total Revolution" movement.
Dinesh Goswami Committee	1990	Electoral Reforms
Vohra Committee	1993	On the Nexus between Crime and Politics
Indrajit Gupta Committee	1998	State Funding of Elections
Second Administrative Reforms Commission of India	2007	Report on Ethics in Governance (Headed by Veerappa Moily)
Tankha Committee (Core Committee)	2010	To look into the whole gamut of the election laws & electoral reforms.

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Drishti IAS

What Are the Key Concerns in the Electoral Process?

Voting and Counting Issues:

- **Concerns Over EVM Tampering:** Many people sought a return to **paper ballots** citing concerns regarding **EVM** **tampering**.
- **100% VVPAT Verification:** Critics of EVM seek full **VVPAT-EVM matching** which at present is carried out for **five machines per assembly constituency/segment**.

- Instead, the SC instructed engineers to verify the **burnt memory of microcontrollers in 5% of EVMs** if tampering is suspected.
  - **Alleged Electoral Roll Manipulation:** Opposition parties claimed large numbers of **fake voters** were added before the Maharashtra and Delhi Assembly elections.
    - The EC attributed duplication to the earlier **decentralized EPIC allotment** before shifting to the **ERONET (Electoral Roll Management System).**
    - ERONET is a **centralized digital platform** by the ECI for efficient **electoral roll management** nationwide.
  - **Duplicate EPIC Numbers:** Some voters in states like West Bengal, Gujarat, Haryana, and Punjab reportedly have **identical EPIC numbers.**
    - The EC clarified that voters can **only vote at their designated polling station,** regardless of their EPIC number.

Campaign Process Issues

- **Violation of Model Code of Conduct (MCC): Star campaigners** often use inappropriate language, appeal to caste/communal sentiments, and make **unverified allegations.**
- **Election Expenditure:** Candidates **exceed spending limits**, while there are **no limits on party expenditure.**
  - It is estimated that political parties spent nearly **Rs 1,00,000 crore** during the **2024 Lok Sabha elections**.
- **Criminalization of Politics:** In 2024, **46% (251)** of elected MPs have **criminal cases,** with **31% (170)** facing serious charges like rape, murder, and kidnapping.

What Reforms Are Needed?

Voting and Counting Reforms

- **VVPAT Matching:** States should be divided into regions, and any **discrepancy** should trigger a **full manual VVPAT count** in the affected region.
  - Candidates placed second or third should request **5% EVM verification** in case of suspected tampering.
- **Totaliser Machines:** To safeguard voter **anonymity**, the ECI's 2016 proposal recommends using **'totaliser' machines** to combine votes from **14 EVMs** before disclosing candidate-wise results.
- **Fake Voter Concerns:** To prevent fake voters and duplicate EPIC cards, **Aadhaar-EPIC linking** can be considered after discussions and privacy assurances.
  - Meanwhile, the EC should **eliminate duplicate voter IDs** and ensure unique EPIC numbers.

Campaign and Electoral Reforms

- **Stronger Enforcement of MCC:** The EC should have the authority to **revoke a leader's 'Star Campaigner' status** for serious MCC violations, removing campaign expenditure relief.
  - Under the **Symbols Order, 1968,** the EC can also **suspend or withdraw** a party's recognition for failing to follow MCC or its directives.
- **Regulating Election Expenditure:** The **RPA, 1951**, should be amended to ensure that a political party's **funding** to its candidate falls **within the prescribed election expenditure limits**.
  - There should also be a **ceiling on expenditure by political parties**.
- **Criminalization of Politics:** Strictly enforce the Supreme Court's ruling in *Public Interest Foundation v. Union of India Case, 2018,* requiring candidates and parties to declare **criminal records thrice before elections** in widely circulated media.

Note: The election expenditure limit for candidates is set at **Rs 95 lakh for Lok Sabha seats and Rs 40 lakh for Assembly seats** in larger states, and **Rs 75 lakh and Rs 28 lakh respectively in smaller states**.

- Currently, there are **no expenditure limits imposed on political parties** during elections, allowing them unrestricted spending.

What are Committee/Commission Recommendations on Electoral Reforms?

- **Vohra Committee (1993):** It recommended **strict background checks** and creation of a **nodal agency** to collect, analyze, and act on intelligence about criminal-politician-bureaucrat links.
  - Strengthen electoral laws to **curb black money and muscle power.**
- **Election Commission:** EC have recommended that even persons against whom **charges** are framed by a **competent court** for an offence that entails **punishment of more than five years** should not be allowed to contest elections.
- **Law Commission:** **Law Commission**'s **244th Report (2014)** recommended:
  - **Disqualify politicians** once charges are framed.
  - Increase the penalty under the **RP Act, 1951 to a minimum 2-year sentence** for false affidavits, with **disqualification for convictions.**
- **2nd Administrative Reforms Commission (ARC):** The **2nd ARC's Ethics in Governance report** backed **partial state funding** to curb illegitimate money in elections as earlier recommended by the **Indrajit Gupta Committee on State Funding of Elections (1998).**

Way Forward

- **Strengthening ECI:** Provide **ECI** with **greater regulatory powers** to verify candidates' criminal records and financial disclosures.
- **Addressing Criminalization of Politics:** Extend disqualification **beyond six years** for grave offenses like **corruption, terrorism, and sexual crimes** and **fast-track MP/MLA trials** to prevent criminals from contesting elections
- **Electoral Transparency:** Mandate **real-time disclosure** of political funding and expenditures and **empower anti-corruption agencies** to probe election-related malpractices.
  - Bringing political parties under the **Right to Information (RTI) Act, 2005** to ensure **democratic integrity**.
- **Voter Awareness:** Support **media and civil society** in monitoring elections and implement **ethical training programs for political leaders** to promote accountability in public life.

Drishti Mains Question:

Q. Discuss the key challenges in India's electoral process and suggest reforms to enhance electoral transparency and accountability.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. Consider the following statements: (2021)

1. In India, there is no law restricting the candidates from contesting in one Lok Sabha election from three constituencies.
2. In the 1991 Lok Sabha Election, Shri Devi Lal contested from three Lok Sabha constituencies.
3. As per the existing rules, if a candidate contests in one Lok Sabha election from many constituencies, his/her party should bear the cost of bye-elections to the constituencies vacated by him/her winning in all the constituencies.

Which of the statements given above is/are correct?

(a) 1 only

(b) 2 only

(c) 1 and 3

(d) 2 and 3

Ans: (b)

Mains

Q.1 Discuss the procedures to decide the disputes arising out of the election of a Member of the Parliament or State Legislature under The Representation of the People Act, 1951. What are the grounds on which the election of any returned candidate may be declared void? What remedy is available to the aggrieved party against the decision? Refer to the case laws. **(2022)**