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Problems and prospects of reforming electoral system in democratic India

Beenaveni Parusharam

Department of Political Science, Kakatiya University, Warangal, Telangana, India

Abstract

India is a vast democratic country inhabited by more than hundred million people. The most imperative feature of a democratic polity is elections at regular intervals. Elections constitute the signpost of every democratic country. Elections provide an opportunity to the citizen to express their faith in the government from time to time and change it when the need arises. In India the electoral system and process have been disrupted number of time, for several reasons. In fact the electoral system in India contains many defects and here is urgent need of electoral reforms to transform the democracy. Hence this paper attempts to find out various defects of electoral system in India and encompasses some suggestions to reform electoral process in India.

Keywords: democracy, election, electoral system, electoral reform, India

Introduction

India is an immense vote based nation possessed by in excess of hundred million individuals. One of the most significant elements of a popularity based nation is decisions at ordinary spans. Political decision can be characterized as a framework by which citizens or voters, select their agents by projecting of votes. It is a cardinal need of each majority rule government and Right to Vote is a Constitutional right of its residents. Decisions comprise the sign of a majority rule government. Free and reasonable political decision is the sine qua non of fruitful majority rule government. Races award individuals an administration and the government has protected right to administer the people who choose it. Races are the focal popularity based technique for choosing and controlling pioneers. Races give a chance to individuals to communicate their confidence in the public authority occasionally and transform it when the need emerges. However, even following some serious time political race framework in India, yet to a great extent has been solid analysis of this framework in India. The constituent interaction have been upset number of time, there are a few justification behind this. Indeed the constituent framework in India is full of imperfections and here is argent need of constituent changes.

Defects of Indian political system

India has experienced an epoch of elections for innumerable times and has undergone great transition crossing several upheavals, engrossed with numerous discrepancies. The way our legislature and State assemblies function, does not make us proud. One of the major causes for the unruly and unproductive functioning of the legislatures is the quality of people who find their way into the legislatures. The birth of scourges like communalism, corruption, under-development, poverty, etc. can be attributed to the unethical practices. The elections today more or less have become an ambitious investment venture, where everyone wants to try their hand at. The journey of corruption in election process did not befall all of a sudden but gradually in a time span of several decades. Initially the requirement of money

was felt for campaigning and since the majority voters were illiterate masses so, electioneering was required to be on a large scale. The candidates fetched support, aid and finances from criminals and muscle men. Generation and accumulation of money requires a robust support from the bureaucracy and these tend to encompass the bureaucracy too in the political web. After a while the criminals involved in non- bail able and cognizable offences themselves started participating in politics since they could easily win the elections by threats and coercion. The battle of ballot became battle of bullets. Therefore each and every step of election process is packed with loads of inaptness.

Criminalization of politics

Criminalization of politics has many forms, but perhaps the most alarming among them is the significant number of elected representatives with criminal charges pending against them. In 2005 elections of Bihar, out of 385 candidates 213 were found to be alleged of non- bail able and cognizable offences. Obscuring of the facts and criminal records acts as an impediment to the fair election process.

In order to combat the said anomaly, the Vohra Committee Report on Criminalization of Politics was constituted to spot the degree of the politician-criminal nexus and suggest conduct to combat the menace. It stated "The nexus between the criminal gangs, police, bureaucracy and politicians has come out clearly in various parts of the country and some political leaders become the leaders of these gangs/armed senas and over the years get themselves elected to local bodies, State assemblies, and national. During the 13th Lok Sabha elections candidates having criminal cases against them numbered 12 in Bihar and 17 in Uttar Pradesh. Although, whatever may be done to prevent a criminal from contending elections no single step is taken to put a restraint on the representatives who have already been elected, having a criminal record.

Therefore, the law breakers are sitting in the parliament as law makers.

Financing of election exceeding the legal limit

The issue of financing of election exceeding the legal limit has adverse repercussion creating compulsion for corruption in public arena. The instance of "Hawala Scam" which unleashed several high profile politicians involved in the perpetrating booth capturing, rigging of elections and aiding dreaded criminals and muscle men. It would not be wrong to say that the whole superstructure stands on the infrastructure of corruption.

Booth capturing

The issue haunting the electioneering process is Booth capturing, by which the parties patrons try to manipulate and the number votes in their votes. The tampering of electoral rolls in the elections is done on large scale. To curb such activities the election commission has laid down guidelines to ensure if any booth capturing is going on the returning officer is to notify it to the election commissioner and apt decisions would be taken to declare the polling in that area to null and void.

Buying votes

The practice of enticing the voters by distribution of stuffs in cash and kind to the masses are done since they form the major chunk of the voter bank. To the extent they are also served with liquor and drugs to gather votes, thanks to the slothful and sluggish people. And if these tricks don't fetch votes then intimidation and coercion serves as the last resort. By manipulating, tampering of electoral rolls or by use of force, intimidation and coercion the process of rigging of election has been quite successful down the line of several decades. The National Election commission directed the returning officer, civil society and any person to intimate about booth capturing or any kind of rigging to the commission to take strong action against the perpetrator of anarchy under section 58 A of Representation of people Act, 1951.

Abuse of caste and religion

The question of abuse of caste and religion is of greater magnitude. The political parties tend to allow only those candidates to fight elections who can muster the minority groups and castes to their favor. Communal loyalties are used at the time of election campaigning to attract the minority voters. And it is very well observed that the electorates too cast their vote taking into consideration the case and religious prejudices. The National Election Commission also commended about the paradigm of 'Neutral Voting.' This concept states that if the voter does not find any candidate suitable, he may get the 'Right to Reject' also with the management of every EVM's (electronic voting machine) having option in the end as 'None of the above.' The basic notion behind this paradigm is to bring transparency in the election process but it has not been implemented yet due to various issues involved.

Different committees on electoral reform in India

In continuance of the British legacy, India has opted for parliamentary democracy. Since 1952, the country has witnessed elections to the legislative bodies at both the national as well as State levels. The electoral system in India is hamstrung by so many snags and stultifying factors. Such maladies encourage the anti-social elements to jump into the electoral fray. Taking cognizance of these serious shortcomings several commissions

came up with the proposal for reformation of Electoral process in India including Goswami Committee on Electoral Reforms 1990, Vohra Committee Report 1993, Indrajit Gupta Committee on State Funding of Elections 1998, Law Commission Report on the Electoral Laws 1999, National Commission to Review the Working of the Constitution 2001, Election Commission of India with Proposed Electoral Reforms, 2004 and the Second Administrative Reforms Commission 2008. These committees first outlined the alarming divergence and irregularities of the Election process and then made recommendations for its implementation. Our system was largely free from any major flaw till the fourth general elections (1967). The distortions in its working appeared, for the first time, in the fifth general elections (1971) and these got multiplied in the successive elections, especially in those held in the eighties and thereafter. Many a time, the Election Commission has expressed its concern and anxiety for removing obstacles in the way of free and fair polls. It has had made a number of recommendations and repeatedly reminded the government the necessity of changing the existing laws to check the electoral malpractices. The Tarkunde Committee Report of 1975, the Goswami Committee Report of 1990, the Election Commission's recommendations in 1998 and the Indrajit Gupta Committee Report of 1998 produced a comprehensive set of proposals regarding electoral reforms.

Soon after attaining independence, India gave herself a Constitution and became a Democratic Republic on 26th January, 1950 and has since been governed by this Constitution. This was indeed a commendable achievement, more particularly when one looks at some of the countries in our neighbourhood and even around the world. For it established a system of governance, a sound legal system and a fairly sound basis for a democratic socialistic society when elections were held regularly and the popular mandate was respected. Thus we may say that the democratic system has been established as accepted as an indispensable part of Indian political life; yet we have to recognise that in practice, there have been serious shortcomings and these will have to be addressed sooner or rather than later. Democracy is not a modern phenomenon; it was practised with some measure of success in ancient Athens and in ancient India; also they laid down some of the fundamental principles of a democratic society which will be very relevant to us even in modern times.

Democracy in India: its Problems and Prospects

Soon after attaining independence, India gave herself a Constitution and became a Democratic Republic on 26th January, 1950 and has since been governed by this Constitution. This was indeed a commendable achievement, more particularly when one looks at some of the countries in our neighbourhood and even around the world. For it established a system of governance, a sound legal system and a fairly sound basis for a democratic socialistic society when elections were held regularly and the popular mandate was respected. Thus we may say that the democratic system has been established as accepted as an indispensable part of Indian political life; yet we have to recognise that in practice, there have been serious shortcomings and these will have to be addressed sooner or rather than later. Democracy is not a modern phenomenon; it was practised with some measure of success in ancient Athens and in ancient India; also they laid down some of the fundamental principles of a

democratic society which will be very relevant to us even in modern times.

Conclusion

Over the years, the Election Commission has conducted a number of laudable electoral reforms to strengthen democracy and enhance the fairness of elections. These reforms are quite adequate and admirable. Undoubtedly, the election machinery, under the aegis of the EC, deserves credit for conducting elections in a free and fair manner. However, our system is still plagued by many vices. To win votes, political parties resort to foul methods and corrupt practices. Such maladies encourage the anti-social elements to enter the electoral fray. The problem is not lack of laws, but lack of their strict implementation. In order to stamp out these unfair tendencies, there is a need to strengthen the hands of the EC and to give it more legal and institutional powers. Reform is no single time effort but a continuous process. The accomplishment of the modification would depend upon the operational compliance of the coordination of electoral machinery, the political parties, the candidates and electorate at all levels. By this not only the election system shall be improve but also democratic system shall develop and grow to its full capacity. In democracy the public is most powerful entity. If the public do not vote in favour of criminals, dishonest and corrupt politicians who wish to purchase their votes by money or muscle powers, everything shall function nicely and the democracy will shine in the dark spectrum of hitherto corrupt and criminalised political system. So, though the EC is working hard in this direction, but it cannot succeed unless all political parties and voters realize their responsibility. Finally there should proper mechanism, fully functional and fully equipped to fight with any triviality.

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