


# **Electoral Reforms in India**

**C.Sheela Reddy**

# Introduction

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- India is the largest and one of the most vibrant democracies of the world
  - Strength of democratic institutions can be judged by the nature of electoral process of a country
  - Free and fair electoral process is a precondition of representative democracy

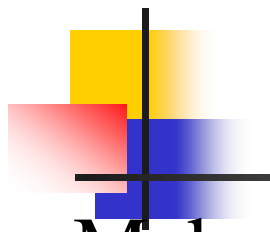


# Role of Political Parties

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- A parliamentary and a representative democracy is inconceivable without political parties.
- Political parties are integral to the governance of a democratic society.
- Perform the critical function of mobilising and organizing public opinion.

# Why do we need electoral reforms in India?

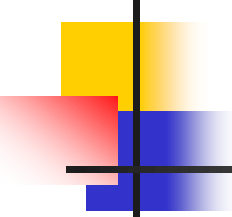
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- Make the democratic process more inclusive by bringing more people under the electoral process
  - Reduce corruption, which is pervasive, and make India a stronger democracy.
  - Broaden the core meaning of democracy, making it more citizen-friendly.

## Some Facts....



- Globally, India spends second highest after the United States
- US Presidential Elections costs anywhere between \$ 7-8 billion
- In India \$ 6 billion (Rs. 40, 000 crores) spent in 2014 Lok Sabha Elections alone.
- An Estimated \$8.7 billion (Rs 60,000 crores) spent in 2019 Lok Sabha elections
- A candidate spends on an average 5-6 crores to fight Lok Sabha seat

# What makes electoral process so expensive ??

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- Growing costs of regular political activities - paying wages to party workers/office space, etc
  - Escalating campaign costs - campaign materials, communication, campaign going high-tech, social media spending
  - Size of Constituencies: larger populations mean candidates have to spend more
  - Stiff Political Competition - narrower winning margins
  - Disappearing Traditional Vote Banks - new generation voters
  - Weaker political finance regulations/poor enforcement
  - Easy availability of money/resources - economic growth

# Is Indian Democracy preserve of wealthy?

## Association of Democratic Reforms(ADR) Report....

- Candidates' disclosures, including those made for the 2019 Lok Sabha elections, show that our democracy has gradually become the preserve of the wealthy and also criminals.

- Nearly 19 percent of candidates had pending criminal cases against them, while 13 percent of candidates had cases of a serious nature such as murder, attempt to murder, rape or crimes against women.

- 29 percent of the candidates have assets worth Rs 1 crore or more, an increase from 16 percent in the 2009 elections.

# Representativeness – A defining Characteristic of a Good Democracy



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- Representativeness – every citizen has a say in the way society is being governed.
- If a candidate is elected from a Lok Sabha constituency on the basis of 15 percent votes, how can he or she be truly regarded as the people's representative?
- Law Commission of India recommended in its 170th report that a candidate should not be declared elected unless he or she gets 50 percent plus one of the votes cast.



# Role of Supreme Court



- In 2002, the Supreme Court made it mandatory for candidates to disclose their criminal background, if any, along with their financial and educational background so as to enable the Election Commission (E.C.) to publish such information on its website.
- It was through Supreme Court's direction in 2013, the E.C. inserted the None Of The Above (NOTA) button in the Electronic Voting Machines (EVMs) for the first time during the 2014 Lok Sabha elections.

# Issues in Electoral Politics in India

- **Money Power** - candidates have to spend crores of rupees for campaigning, publicity, etc. Most candidates far exceed the permissible limit of expenses.
- **Muscle Power** - use of violence
- **Criminalisation of Politics and Politicization of Criminals** - Political parties are also happy as long as they have winnable candidates. Political parties field criminals in elections for funds and in return provide them with political patronage and protection.

- **Non-serious Independent candidates** - candidates float non-serious candidates in elections to cut a good portion of the votes that would otherwise have gone to rival candidates.
- **Casteism** - voting on caste lines is prevalent in the country which is a serious blotch on democracy and equality.
- **Communalism** - communal polarization poses a serious threat to the Indian political ethos of pluralism, parliamentarianism, secularism and federalism.
- **Lack of Moral Values in Politics** - people enter the political arena for making money and retaining their money and power.


# ADR Survey - Perception of voters (October and December in 2018)



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- Sample size of 2.75 lakh people, with 500 respondents in each constituency - 30 percent of them said they vote for a candidate with a criminal record because he or she belongs to their caste or religion.
- Politicians also project that they have been falsely implicated in cases. Or that cases pending against them are frivolous in nature.

# T.N. Seshan - Architect of electoral reforms in India

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- **10<sup>th</sup> Chief Election Commissioner of India** - known for strict implementation of electoral laws and rules to clean up Indian election.
  - Proposed many election reforms in India. To warn the political parties he gave the slogan of "**Nobody dared to violate the law**"
  - Instilled fear in politicians fighting elections by strictly implementing the **Model Code of Conduct**

# Electoral Reforms Pre-2000

- **Lowering of Voting Age:** 61<sup>st</sup> Amendment Act to the Constitution reduced the minimum age for voting from 21 to 18 years.
- **Electronic Voting Machine (EVMs):** first introduced in 1998 during the state elections of Delhi, Madhya Pradesh and Rajasthan
- **Restriction on contesting :** a candidate cannot contest from more than 2 constituencies.
- **Bye-elections to any House of Parliament or a State Legislature:** to be held within six months of the occurrence of the vacancy in that House.

# Electoral Reforms Post 2000

- **Ceiling on election expenditure** - For the Lok Sabha elections, it is Rs. 50 – 70 lakh (depending on the state they are contesting the Lok Sabha seat from), and Rs. 20 – 28 lakh for an assembly election.
- **Restriction on exit polls:** EC issued a statement before the 2019 Lok Sabha elections saying that exit poll results could be broadcast only after the final phase of the elections were over.
- **Expand the ambit of postal ballot voting in the country:** previously used by only Indian staff in missions abroad and defence personnel in a limited way.



## Contd...

- **Awareness Creation:** Government decided to observe January 25<sup>th</sup> as ‘National Voters Day’ to mark the EC’s founding day.
- Political parties need to **report any contribution in excess of Rs 20000** to the EC for claiming income tax benefit.
- **Declaring of criminal antecedents, assets, etc.** by the candidates is required and declaring false information in the affidavit is now an electoral offence punishable with imprisonment up to 6 months or fine or both.



# Is state funding a Safeguard for Democracy?



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- State funding is expected to safeguard democracy by reducing the dependence of political parties on money bags.
- Money bags make political contributions on quid pro quo basis and this increases the chances of political corruption.

# Contd...



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- Connection between money power and political parties cannot be expected to cease simply because additional funds are available from the state.
- State funding could limit the role of money power in elections, if only it were comprehensive funding, disallowing any contributions from other sources from being used for the purpose of elections.



# Sources of funding of political parties

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- In case a political party wants to avail of 100 percent tax exemptions, which it is entitled to under Section 13 (A) of the Income Tax Act, it has to maintain a factual account of its income and expenditure and file income-tax returns.
- Political parties also have to submit to the Election Commission a statement on every donation of Rs 20,000 and above that they receive.



# ADR survey before 2019 elections

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- Compared the statement of donations to that of political parties' incomes - found that, on average, donations above Rs 20,000 constituted about 20–25 percent of their total income.
- Anywhere between 75 percent and 80 percent of income was from unknown sources.

# Electoral Bond Scheme and Quality of our Democracy



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- Electoral Bonds - bank notes that donors can purchase at the State Bank of India and donate to political parties. The parties must encash the note within 15 days.
- Designated branches of the State Bank of India(SBI) authorised to sell electoral bonds will collect the complete KYC [Know Your Customer] particulars of the person buying the electoral bond.
- SBI will not reveal the buyer's identity unless there is a court order in a criminal case asking for the information.



# Electoral reforms- A continuous process

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- Re-establishing the weakening linkages between political processes and the rights of citizens to strengthen democracy.
- Need for political parties to restructure and strengthen their relationship with the people without seeking to exploit narrow identities and work towards improving the performance of democracy.



# Quiz...

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(1) When were Electronic Voting Machines introduced?

(a) 1998

(b) 1996

(c) 1994

(d) 1997



Cont...

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(3) Which Constitutional Amendment Act reduced the minimum age for voting from 21 to 18 years?

(a) 62<sup>nd</sup>

(b) 61<sup>st</sup>

(c) 66<sup>th</sup>

(d) 69<sup>th</sup>





Cont...

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(4) Which day is observed as National Voters' Day?

(a) January 26<sup>th</sup>

(b) January 25<sup>th</sup>

(c) January 30<sup>th</sup>

(d) January 15<sup>th</sup>

# References



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<https://caravanmagazine.in/politics/chhokar-democracy-elections-funding>

(2) Niranjana Sahoo (2017) - Towards Public Financing of Elections and Political Parties in India: Lessons from Global Experiences

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(3) Subhash C Kashyap, India can gradually move to hold Lok Sabha and Assembly elections Simultaneously

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# Video Links

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- [https://www.youtube.com/watch?v=IVya3Ny\\_5B4](https://www.youtube.com/watch?v=IVya3Ny_5B4)
- [https://www.youtube.com/watch?v=4-ke\\_C8qak4](https://www.youtube.com/watch?v=4-ke_C8qak4) (Hindi)



THANK YOU