



Electoral Reforms in India

For Prelims: [Election Commission of India \(ECI\)](#), [Electors Photo Identity Card \(EPIC\)](#), [RPA, 1951](#), [EVM](#), [VVPAT](#), [ERONET \(Electoral Roll Management System\)](#), [Star Campaigners](#), [Totaliser Machines](#), [Model Code of Conduct \(MCC\)](#), [Law Commission](#), [ARC](#).

For Mains: [The need for electoral reforms and ways to address them.](#)

What are Electoral Reforms?

- **Definition:**
 - **Electoral reforms** refer to **systematic changes aimed at enhancing the efficiency**, transparency, and fairness of the electoral process in a country.
- **Need:**
 - In a democracy like India, **elections are a cornerstone of political legitimacy** and citizen participation. Therefore, **conducting free and fair elections** is fundamental for sustaining democratic governance.
 - However, over time, the **electoral process may face challenges** such as the **misuse of money and muscle power**, [criminalization of politics](#), lack of internal democracy in political parties, and low voter turnout.
 - To overcome these issues and uphold the sanctity of the democratic process, electoral reforms become imperative. These **reforms aim to strengthen the legal framework**, improve institutional mechanisms, and restore public faith in the electoral system.
- **Constitutional Provisions:**
 - **Article 324** of the Constitution grants the [Election Commission \(EC\)](#) authority over the **preparation of electoral rolls** and the conduct of elections for both Parliament and State legislatures.
- **Legislative Framework:**
 - **Representation of the People Act (RPA), 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:** 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.

What are the Key Electoral Reforms in India?

Electoral Reforms Before 1996

- The [61st Amendment Act, 1988](#) reduced the voting age from **21 to 18 years**. This allowed more youth to participate in elections and the democratic process.
- To prevent fake candidates, the number of proposers for [Rajya Sabha](#) and [State Legislative Council](#) elections was raised to 10% of the electors of the constituency or 10 such electors, whichever is less.
- **Electronic Voting Machine (EVMs)**: It was introduced to modernize the voting process. It was first used in **1998** (Rajasthan, MP, Delhi) and fully in **1999** (Goa Assembly).
- **Booth Capturing**: Special laws were made to cancel or stop elections if **booth capturing** (forcible take-over) happens.
- **Photo Identity Cards**: The Election Commission started issuing EPICs (Elector's Photo Identity Cards) to stop fake voting. Voters need to be on the electoral roll to get one.

Electoral Reforms Post 1996

- **Listing of Candidates**: The candidates were listed in three categories—recognized **political parties**, registered unrecognized political parties, and independent candidates.
- **Disqualification**: A person convicted of insulting the [National Flag, Constitution of India](#), or preventing the [National Anthem](#) is disqualified from elections for 6 years.
- **Prohibition on Sale of Liquor**: [Liquor and intoxicants](#) cannot be sold or distributed within 48 hours before polling in a polling area. Violation can lead to 6 months imprisonment or a fine of ₹2,000.
- **Number of Proposers**: Candidates must have 10 proposers if not backed by a recognized party. If supported by a recognized party, only one proposer is needed.
- **Death of a Candidate**: Previously, elections were canceled if a **candidate died before polling**. Now, if the candidate belongs to a recognized party, the party can propose a replacement candidate within 7 days.
- **By-Elections**: [By-elections](#) must be held **within six months** of a vacancy unless the remaining term is less than one year or the Election Commission certifies that holding the election is difficult.
- **Contestants Restricted to Two Constituencies**: Candidates can **contest in only two** constituencies during general elections or simultaneous by-elections.
- **Reduced Campaigning Period**: The gap between the last date for withdrawal of candidature and polling day was reduced from 20 days to 14 days.

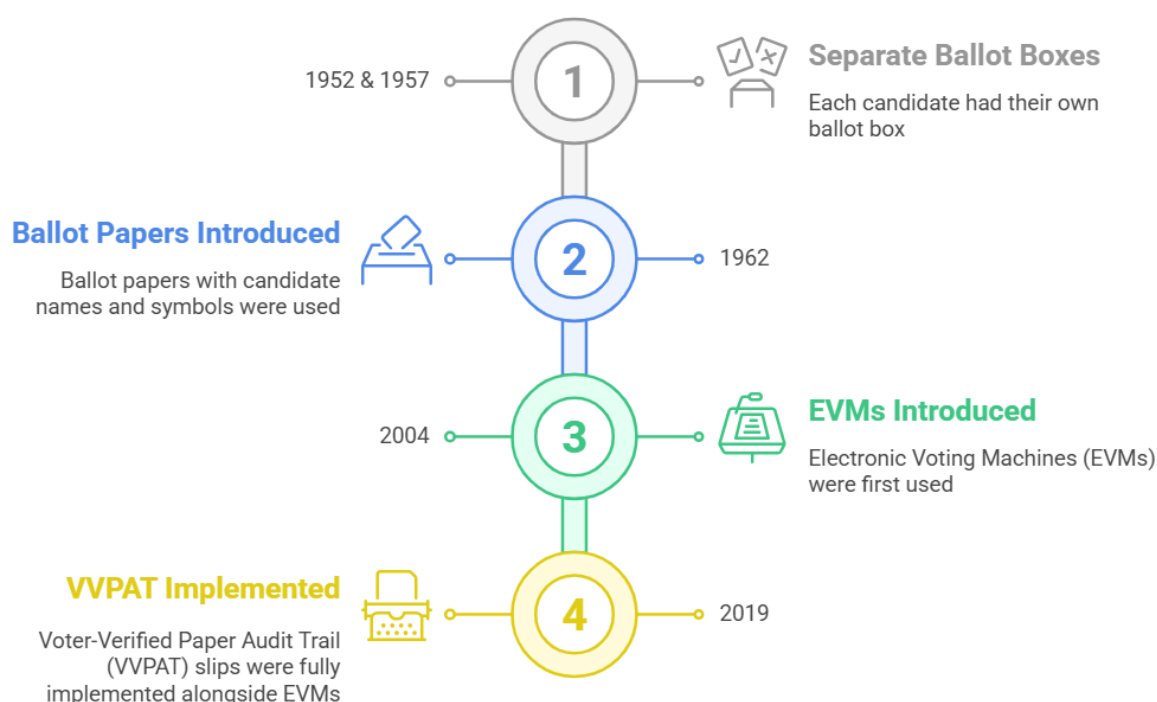
Electoral Reforms between 1997-2009:

- **President & Vice-President Elections**: Increased proposers for [President](#) from 10 to **50**, and for [Vice-President](#) from 5 to 20.
- **Postal Ballot**: Some categories of people (notified by EC) can now vote via **postal ballot**.
- **Proxy voting** for armed forces was introduced in 2003, allowing service voters to cast their vote through a proxy.
- **Candidates must now declare past criminal cases**, assets, liabilities, and educational qualifications, and providing false information is punishable.
- [Rajya Sabha](#) reforms in 2003 removed the requirement for candidates to be residents of the state they contest from and introduced the open ballot system to prevent cross-voting.
- [Recognized party](#) candidates get free electoral rolls and materials.
- Parties can [accept donations](#) over ₹20,000 only with details. Companies donating get [tax relief](#).
- EC ensures **equal time** for parties on electronic media, based on past performance.
- EVMs now have [Braille features](#) for visually impaired voters.
- [Exit polls](#) can't be conducted or shared until the EC's allowed period ends. Violators can be jailed for up to 2 years or fined.
- The [security deposit](#) was raised to ₹25,000 for general candidates and ₹12,500 for SC/ST candidates in Lok Sabha elections, and ₹10,000 for general and ₹5,000 for SC/ST candidates in Assembly elections.
- District-Level Appeals: District officials handle electoral roll appeals instead of the state [Chief Electoral Officer \(CEO\)](#).

Electoral Reforms Since 2010

- **Voting Rights for NRIs (2010):** [Indian citizens abroad](#) (non-dual citizens) can vote in their home constituency.
- Since **2013**, Citizens can apply **online** to register as voters.
- NOTA (None of the Above) option added in EVMs. Even if [NOTA](#) gets the most votes, the candidate with the highest valid votes wins.
- **Voter Verifiable Paper Audit Trail (VVPAT)** was **implemented to reduce fraud** in elections. Voters get a printed slip confirming their vote.
- The [Supreme Court](#) allowed persons in jail or police custody to contest elections.
- Convicted MPs/MLAs are disqualified immediately (no 3-month delay). **Section 8(4) of the RP Act, 1951** was declared unconstitutional.
- Spending limits were increased to ₹70 lakhs for Lok Sabha elections in big states and ₹28 lakhs for Assembly elections, with variations for smaller states and Union Territories.
- **Electoral Bonds were introduced in 2018.** They were anonymous bank instruments to donate to parties. Only parties with 1% or more votes in the last election can receive. But the **Supreme Court of India struck down the Electoral Bond scheme** as unconstitutional in 2024.

Evolution of the Voting Process



What are the Committee Related to the Electoral Reforms?

- **Tarkunde Committee (1974):** It recommended that ECs be **appointed on the advice of a Committee** comprising the Prime Minister, Lok Sabha Opposition Leader and the Chief Justice of India.
- **Dinesh Goswami Committee (1990):** This committee was formed to suggest electoral reforms in India. Its recommendation was implemented in 1996.
- **Vohra Committee (1993):** This committee investigated the [nexus between crime and politics](#).
- **Indrajit Gupta Committee (1998):** This committee **focused on the idea of state funding** for elections.
- **Law Commission of India 170th Report (1999):** This report suggested reforms in India's electoral laws.
- **Tankha Committee (2010):** A core committee set up to review and **recommend changes to election laws** and electoral reforms.
- **Law Commission of India 255th Report (2015):** This comprehensive report proposed various electoral reforms to improve the election process in India.
- **Key Recommendations of the High-Level Committee on Simultaneous Elections:** A High-

Level Committee was constituted to investigate the feasibility of holding [simultaneous elections](#) under the leadership of former President Ram Nath Kovind.

- **Phase Implementation:** Simultaneous elections for Lok Sabha and State Assemblies first, followed by local bodies within 100 days.
- **Electoral Roll and EPIC Harmonization:** Creation of a **Single Electoral Roll and Single EPIC** for all tiers of government to reduce duplication and errors.
- **Economic and Legal Impacts:** The committee emphasized **reducing election-related disruptions** and improving resource allocation for better governance.

What Are the Key Concerns in the Electoral Process?

- **EVM Tampering Concerns:** Concerns over possible tampering with [Electronic Voting Machines \(EVMs\)](#) have led to demands for a return to [paper ballots](#) and full matching of [VVPAT](#) slips with EVM results.
 - Critics argue that without complete verification, the integrity of election outcomes may be compromised, undermining public trust in the voting process.
 - However, the [Supreme Court](#) rejected the demand for full VVPAT-EVM matching, ruling that it was not necessary to count every VVPAT slip. Instead, the Court permitted verification of the memory chips of 5% of EVMs in a constituency if there is a suspicion of tampering.
- **Electoral Roll Manipulation:** Opposition parties alleged fake voters were added in Maharashtra and Delhi. The EC explained that duplication was due to the previous decentralized [Electors Photo Identity Card \(EPIC\)](#) system, now centralized in [ERONET](#) (Electoral Roll Management System).
- **Duplicate EPIC Numbers:** Allegations of **duplicate EPIC numbers** have been raised in states like West Bengal, Gujarat, Haryana, and Punjab.
- **Model Code of Conduct (MCC) Violations:** [Star campaigners](#) often use inappropriate language, make caste/communal appeals, and spread unverified allegations.
- **Election Expenditure:** Candidates often exceed spending limits, and political parties have no spending limits. The [2024 Lok Sabha election](#) expenditure was estimated at ₹1,00,000 crore.
- **Criminalization of Politics:** As per analysis by poll rights body Association of Democratic Reforms (ADR) **46% of elected MPs in 2024 have criminal cases**, with 31% facing serious charges like rape, murder, and kidnapping.

What Reforms are Needed in the Electoral Process?

- **Campaign Process Reforms:**
 - The EC should be empowered to revoke '[Star Campaigner](#)' status for serious violations of the [Model Code of Conduct \(MCC\)](#).
 - Amend laws to ensure that political party funding stays within the candidate expenditure limits.
 - Bringing political parties under the Right to Information (RTI) Act, 2005, to ensure democratic integrity.
 - Strict enforcement of the **Supreme Court's directive for candidates** to declare their criminal antecedents before elections.
 - **Electoral Roll Integrity:** Linking [Aadhaar](#) to EPIC cards may help eliminate duplicate voter IDs after addressing privacy concerns.
- **Voting and Counting Process:**
 - The sample size for VVPAT-EVM matching should be determined scientifically, ensuring confidence in the counting process.
 - The **introduction of 'totaliser' machines** (a mechanism which allows votes from 14 booths to be counted together) would aggregate votes before revealing the results, adding transparency.
 - Allow candidates to request **verification of 5% of EVMs** in case of suspected tampering.
- **Voter Awareness:** Support media and civil society in **monitoring elections and implement ethical training programs** for political leaders to promote accountability in public life.

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

Q1. Examine the need for electoral reforms as suggested by various committees with particular reference to "one nation - one election" principle. **(2024)**

Q2. 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)**