Reform in Electoral System of India

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Abstract

Election forms the backbone of our Democracy. Our Democratic setup confers on us i.e. the right to elect the representatives of the state. Besides, the elected people have the right to choose the head of the state. Governance is expected to ensure the welfare of the People, in India the constitution was framed to ensure welfare by an equitable distribution of national wealth and resources. Political parties are indispensable in parliamentary democracy. Our electoral system needs rapid transformation. The electoral turmoil faced today, coupled with the rise of populism, is a consequence of the rise of seemingly elitist politics along with marginalization of the voices of the socially disadvantaged. Changing this requires reforms in electoral reform. Elections symbolise the sovereignty of the people and provide legitimacy to the authority of the government. Looking into the past experience of the elections held in India, there have been discussions for electoral reforms in various forums. There are recommendations made by the various law commissions constituted from time to time suggesting reforms in election procedure. The Election Commission of India itself has mooted several reforms. The eminent lawyers, social reformers and political experts have made several suggestions for reforms time and again. Over a period of time, reforms have also been suggested by the political parties. Some of the reforms have already been incorporated amending the representation act several times. But still much more is required to be done if there have to be free and fair elections in India. Some of the reforms suggested by eminent members, organizations, commissions and committees are suggested below for implementation by the government in order to bring about a clean electoral process in the country. Thus, free and fair elections are indispensable for the success of democracy.

Keywords -- Electoral Reform, Democratic Politics, Election System Of India, Democratic Success,

1. Introduction

India is a very large country consisting of 28 states and 6 union territories. Besides, there is national capital region of Delhi. Indian democratic system is a model for the democratic systems of many newly independent countries of the world. India has a population of 121 crores. Over 65% of this population forms the electorate of our country. About 71.4 crore voters formed the electorate in the last elections held to the Lok Sabha held in 2009. The numbers of voters in our country are so high that the elections sometimes cannot be conducted on a single day all over the country and is spread over to several days in spite of the entry of the electronic voting machines. According to the
Constitution of India, the maximum strength of the Lok Sabha can be 552 out of which 530 members are to represent the states and 20 members are to represent the union territories. 2 members of the Anglo-Indian community are to be nominated by the President of India. The present strength of the Lok Sabha is 545 out of which 543 members are elected directly by the people through general elections held every five years. There is a provision of mid-term elections if the Lok Sabha is dissolved before the completion of 5 years as provided in the constitution of India. The members of the upper house of the parliament called the Rajya Sabha are elected indirectly by the elected members of the state legislative assemblies. There are 233 elected members in the Rajya Sabha while 17 members are nominated by the President of India. The term of the Rajya Sabha is 6 years. The two/third of the members of Rajya Sabha retires every two years.

One of the most important features of a democratic politics is elections at regular intervals. Elections constitute the signpost of democracy. These are the medium through which the attitudes, values and beliefs of the people towards their political environment are reflected. Elections grant people a government and the government has constitutional right to govern those who elect it. Elections are the central democratic procedure for selecting and controlling leaders. Elections provide an opportunity to the people to express their faith in the government from time to time and change it when the need arises. The essence of any democratic system is the healthy functioning of political parties and, consequently, free and fair elections. The election at present is not being hold in perfect conditions because of the vast amount of money required to be spent and large influential power needed for winning the elections. The elections today more or less have become a determined investment undertaking, where everyone wants to try their hand at. Money power, mounting election expenditure, Corruption and other electoral misconducts alter the electorate's results. Uncultivated corruptions in public life and criminalization of politics result to distortions where the democratic credentials of the electoral system is being questioned seriously. This Trend of corruption in Electoral process was not new but gradually in a time span of several years, they increase in the process. Therefore, each and every step of election practice is packed with loads of inappropriateness. In order to restore the confidence of the public in the democratic electoral system, many electoral reforms have been recommended from time to time by Tarkunde Committee and Goswami Committee which were particularly appointed to study and report on the scheme for Electoral Reforms in the year 1974 and 1990 respectively. Out of these recommendations some have been implemented. In fact, it was under the chairmanship of the then Chief Election Commissioner, T.N. Seshan, that Election Commission initiated many more measures to ensure free and fair elections.

2. Electoral Reforms in India: Proactive Role of Election Commission:

One of the most important features of a democratic polity is elections at regular intervals. Elections constitute the signpost of democracy. These are the medium through which the attitudes, values and beliefs of the people towards their political environment are reflected. Elections grant people a government and the government has constitutional right to govern those who elect it. Elections are the central democratic procedure for selecting and controlling leaders. Elections provide an opportunity to the people to express their faith in the government from time to time and change it when the need arises. Elections symbolise the sovereignty of the people and provide legitimacy to the authority of the government. Thus, free and fair elections are indispensable for the success of democracy.
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. 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. [Dash 2006: 50] 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. A number of new initiatives have been
taken by the Election Commission to cleanse the electoral process in India.

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. The EC must be entrusted with
powers to punish the errant politicians who transgress and violate the electoral laws.

Our Election Commission tries its best to weed out the virus of malpractices. It is optimistic of
strengthening and improving the working of democracy through free and fair elections. It has always
devised better systems and is using advanced scientific technologies for maintaining the high
reputation of the Indian elections. However, the success of reforms will largely depend upon the will
of the political parties to adhere to and implement such reforms. An independent media and an
enlightened public opinion have no substitute in pushing through reforms. If people vote according to
their convictions and punish those who infract the rules, corrupt practices will automatically
disappear. And this will go a long way towards enabling democracy to flourish and grow to its full
capacity.

3. Most needed reforms in the election system of India

These are the most needed reforms in the election system of India, and will they be significant
in improving the working of the government-

i. Right to recall – After winning elections if citizens feel that now their chosen candidate has
become bad or corrupt then in this case we need a provision so that citizens can fire him from
his job. For this each year an election should be held by election commission of India and if
elected politician gets less that 51% votes then in such case it should be considered that
citizens rejected him and new election should take place. Ballot paper or electronic machine
should have only two choices Hire him or Fire him after that in election if 51% votes go for
fire him then he should resign from his post and new election should take place.

ii. Reforming campaign finance- closing loopholes
Historically, parties have been financed by contributions from friends, family and supporters or philanthropic. Corporate donations were legal from the inception of the Representation of the People’s Act in 1951.

It was only in 1968 that donations by corporate entities to political parties were banned. While the official position was to prevent the role of black money in politics, the popular view has been that the move was to block the rise of C Rajagopalachari’s Swatantra Party and its liberal economic agenda. However, instead of clamping down on corporate donations, the move only led to funding being driven underground.

iii. Political Parties Bann accepting cash donations–Political Parties should not be allowed to accept donations or funds in cash. Parties should be allowed to accept funds and donations through cheque only. Even if someone is paying donation of Rs. One then also he should give one by way of cheque. Any political party who accepts the donation by way of Cash should be banned from contesting elections for next 50 Years.

iv. Limit on contesting elections Limiting number of Attempts –Win or lose No one should be allowed to contest elections more than 4 times. Even if someone wins elections 4 times then also he should not be allowed to contest any election. Every Indian should be allowed to contest elections only for 4 times. No 5th chance even if he becomes God of Nation.

v. Audit of Political Parties and funds – Election commission of India should audit the political party members every year and it should inform the Indian citizens that each party got how many criminal party workers with their names and photos and addresses.

vi. Salary commission for elected politicians – A new government department should be created who will decide the salaries of elected politicians with the right not to pay the salaries to elected politicians if they fail to deliver the promises.

vii. Political party manifesto- In every election political parties issue manifesto saying that we will do this and that. Now we need to bring a law which will give manifesto a status a contract between citizens and political parties if political parties fail to give what manifesto says then citizens should be allowed to file case of cheating against elected candidate as well as political party bosses and heads Such cases should be decided in 3 months of time.

viii. Bureaucratization of politics is also seen the current area- The parties can manage to get the officers in their favour to be the electoral officers in their constituencies. Sufficient measures have been taken by the constitution itself to make the election commission independent body. But still it is dependent on the union financial matters. So six months prior to the elections, no transfer shall be made without the concurrence of the commission. The expenses of election commission should be charge on the consolidated fund of India to secure its independent functioning.

ix. Fast track courts to deal with corruption or criminal- While criminals and the corrupt should be punished, FTI believes that someone not yet convicted of a major crime should not be prevented from entering parliament. India must abide by the principles of natural justice. In any event, if we try to block entry to Parliament of those with criminal cases against them, it is quite likely that such people will set up dummy candidates (spouse, child) instead. It is not possible to solve complex problems through simplistic solutions.

x. Performance reporting against Election Manifestos by Election Commission- The Election Commission should also be charged with reporting on the performance of elected political parties against their election manifesto commitments. Almost all political parties
make promises about things like poverty, infrastructure, etc. in their manifestos. However, India doesn’t have any system to report on the performance of parties against their promises. While the press, the opposition, and citizens in general do monitor some of these promises, there is no done systematic process. The Election Commission produces such performance reports on an annual basis. It should require all parties to lodge their manifestos with it, and require manifestos to specify performance measures for each commitment.

4. Some major reforms taken –Broadly classified as pre-2000 and post-2000
The reports of various election reform commissions and a number of formal and informal group discussions at various forums and by individuals, have categorically pointed out the defects in the electoral system and came out with some useful suggestions. Yet the problems remaining to be as critical and challenging as ever. However government has accepted recommendations of many commission reports only partially. some of the important committees are-the Dinesh Goswami Committee on electoral reforms1990, committee on criminalization of politics by Vohra ,committee on state funding of elections by Indrajith gupta, subsequent reports by the law commission, election commission, national commission to review the constitution headed by the M N Venkatachaliaha ,second.ARC on ethics in governance headed by Veerapa Moily, law commission report headed by A P Shaw 2015.

4.1 Reforms pre 2000

i. Lowering of Voting Age: The Constitution (Sixty-first Amendment) Act, 1988 reduced the voting age from 21 years to 18 years for the Loksabha (house of the people) and state assembly elections. This has given the youth of the country an opportunity to participate and express their feeling in political processes.

ii. Deputation to Election Commission: officers or staff engaged in preparation, revision and correction of electoral rolls for elections shall be deemed to be on deputation of Election Commission for the period of such employment .and these personnel during that period, would be under the control, superintendence and discipline of the Election Commission.

iii. Increase in Number of proposers: Number of electors required to sign as proposers in nomination papers for elections to Council of States (Rajyasabha) and State Legislative Council has been increased to 10% of the electors of the constituency or ten such electors, whichever is less mainly to prevent frivolous candidates.

iv. Electronic Voting Machine: Electronic Voting Machines (EVMs) were first used in 1998 during the State elections of Rajasthan, Madhya Pradesh and Delhi. EVMs have been widely used in the sixteen Loksabha Elections in 2015.as they are-fool proof, efficient and eco-friendly (limited use of papers)

v. Booth Capturing: EC May either declare the poll of the particular polling station as void and may appoint a date for fresh poll or countermand election in that constituency because of booth capturing. Booth capturing has been defined in Section 135 A of the RPA 1951.as seizure of a polling station and making polling authorities surrender ballot papers or voting machines, seizure of the polling place, threatening and preventing voters, taking possession of polling stations etc.

vi. Disqualification on Conviction for Insulting the National Honors Act, 1971: Shall lead to disqualification for contesting elections to Parliament and State Legislatures for a period of six years from the date of such conviction
vii. **Increase in Security Deposits and Number of Proposers:** The amount of security deposit which a candidate needs to deposit at an election to the Loksabha or a State Legislative Assembly has been enhanced to check the multiplicity of non-serious candidates. In the case of an election to the Loksabha, the security deposit has been increased to Rs.10,000 for the general candidate and to Rs.5,000 for a candidate who is a member of a Scheduled cast/tribe. In the case of elections to a State Legislative Assembly, the candidates will have to make a deposit of Rs.5,000 if they are general candidates and Rs.2,500 if they belong to a Scheduled Caste or Scheduled Tribe respectively.

viii. **Proposers:** The amended law further provides that the nomination of a candidate in a Parliamentary or Assembly constituency should be subscribed by 10 electors of the constituency as proposers and if the candidate has not been set up by a recognised National or State Party. The number of proposers and seconders for contesting election to the office of the President of India has been increased to 50 each from 10 and; number of electors as proposers and seconders for contesting Vice-Presidential election has increased to 20 from 5. The security deposit has been increased to Rs. 15,000 from Rs. 2,500 for contesting election to the offices of President and Vice-President to discourage frivolous candidates.

ix. **Restriction on Contesting Election from More than Two Constituencies:** A candidate is eligible to contest election from not more than two Assembly or parliamentary constituencies at a general election or at the bye-elections which are held simultaneously. Similar restrictions will apply for biennial-elections and bye-elections to the Council of States (Rajyasabha) and State legislative councils.

x. **Death of a contesting Candidate:** Previously, the election was countermanded on the death of a contesting candidate. In future, no election will be countermanded on the death of a contesting candidate and If the deceased candidate, however, was set up by a recognized national or State party, then the party concerned will be given an option to nominate another candidate within seven days of the issue of a notice to that effect to the party concerned by the Election Commission.

xi. **Prohibition with respect to Going Armed to or Near a Polling Station:** is a cognizable offence punishable with imprisonment up to two years or with fine or with both.

xii. **Paid Holiday to Employees on the Poll day:** violation of this amounts to a fine up to 500rs

xiii. **Prohibition on Sale of Liquor:** No liquor or other intoxicants shall be sold or given or distributed at any shop, eating place, or any other place, whether private or public, within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll. The violation of this rule is punished with imprisonment up to 6 months or fine up to Rs 2000 or both

xiv. **Time Limit for Bye-elections:** Bye-elections to any House of Parliament or a State Legislature will now be held within six months of occurrence of the vacancy in that House. But, this stipulation will not apply in two cases- where the remainder of the term of the member whose vacancy is to be filled is less than one year or where the Election Commission, in consultation with the Central Government, certifies that it is difficult to hold the bye-election within the said period.

xv. **The effective campaigning period** –has been reduced. The gap between the last date for with drawal of nomination and the polling date has been reduced from 20 days to 14 days.

### 4.2 Reforms since 2000
i. **Restriction on exit polls** - exit poll is an opinion survey regarding how electors have voted etc. Thus conducting exit polls and publishing results of exit polls during the election to the Loksabha and state legislative assemblies during the period notified by the election commission shall be punishable with imprisonment up to 2 years and with fine or both.

ii. **Ceiling on election expenditure** - ceiling on election expenditure for a Loksabha seat has been increased to 40 lakhs in bigger states and it varies between 16 to 40 lakhs in other states and union territories. Similarly, ceiling on election expenditure has been increased in assembly elections to 16 lakhs in bigger states and it varies between 8 to 16 lakhs in other states and union territories.

iii. **Appellate authority** - appellate authority within the district is before the district/additional district magistrate/officer of equivalent rank against the orders of the electoral registration officers instead of chief electoral officer of the state and appeal against the order of district magistrate will now lie before the chief electoral officer.

iv. **Voting through postal ballot** - allows government servants and certain other class of persons to vote via postal ballot following the Election Commission’s consent.

v. **Voting rights to citizens of India living abroad** – for employment, education etc., who has not acquired the citizenship of any other country and has his name registered in the electoral roll of a particular constituency (place of his residence) can vote.

vi. **Awareness Creation** - to encourage more young voters to take part in the electoral process. The Government of India has decided to celebrate January 25th of every year as ‘National Voters Day’. It started from January 25, 2011 to mark Commission’s foundation day.

vii. **To report contributions** - Political parties need to report any contribution in excess of Rupees 20000 to the EC for claiming income tax benefit.

4. Issues with Current Regulations

i. **Effects on the purity of the electoral process**: Legitimate apprehensions regarding the effect of opinion polls on the purity of the electoral process justify regulation of the same. Among these are concerns about the accuracy of opinion polls. There are a number of instances where election results predicted by such polls turned out to be incorrect, by a large margin. For instance, poll predictions based on election surveys during the general elections in 2004 went completely haywire for most of the polling agencies. In 2004, almost all the polls conducted by media houses predicted that the National Democratic Alliance (NDA) would be able to retain power at the centre, which eventually did not happen. This raised questions about the polls being biased, or incorrect in some measure. Questions regarding certain specific problems with opinion polls have always existed, some of them being.

ii. **Potential of opinion polls to influence voters**: The central justification for the regulation of opinion polls is the preservation of the sanctity and integrity of the electoral process. Concerns on this count arise on the grounds that opinion polls are able to influence electoral behaviour and distort electoral outcomes. This influence on electoral behaviour can take two forms, assuming that opinion polls are properly conducted. Both are predicated on the understanding that the dissemination of social research will alter the original situation so that it is impossible to accurately predict outcomes. First, there is the possibility that a bandwagon or contagion effect could result. This refers to the case where information predicting the victory of a candidate could lead to votes
being switched in his or her favour and away from other candidates. Second, there is the underdog effect. This refers to voters switching to favour candidates not predicted to win, so that the prediction or appearance of success undermines the actual outcome.

iii. On the other hand, an argument against opinion polls has been that information from opinion polls confuses voters, or as said by the EC, ‘would be a deleterious intrusion into the mind of the voter’. It is also believed that information from opinion polls may affect voters’ perceptions of the chances that various parties may have of winning and consequently, by affecting voters’ expectations about the outcome of an election, polls may affect the vote. However, certain studies by political scientists suggest that holding a lead in an opinion poll generally earns an electoral candidate no more than a 4%-5% lead among undecided voters. In fact, opinion polls published extremely close to the day of polling do not affect public opinion to a large extent because only a small percentage of voters remain undecided by then. However, this is not to say that opinion polls do not influence the voters at all, only that the margin of voters actually influenced may remain unclear.

iv. Issue of robustness in findings: Statistically, opinion polls are often presented as point estimation, pinpointing a fixed number of seats won by a party. However, these polls are actually representing estimation with a given degree of error. Essentially, they represent interval estimation, a range of seats for every political party, and not the exact number of seats that a party would win. This important fact is generally not made known to the voters. Having knowledge of the fact of the margin of error in the findings of opinion polls would make for more informed voters. While the findings of opinion polls in India are largely considered to be fallible, psephologists believe that crucial factors such as choosing the optimum sample size, sample design and the representativeness of the sample can ensure some level of accuracy. It has been argued that a few instances of manipulation, in whatever manner they exist, do not make a case for an outright ban. Instead, they call for better regulation of opinion polls, in a manner that will be recommended in Part 6. As mentioned earlier as well, a total prohibition on publication and dissemination of results of opinion polls may amount to an infringement of the right under Article 19(1)(a) of the Constitution. An analysis of the manner in which opinion polls are statutorily regulated in other jurisdictions can provide some insights into how suitable amendments can be made to the RP Act, 1951 to regulate the same in India.

5. Recommendations for Electoral Reforms
i. Remove criminals from politics – For upholding the highest traditions of probity and morality in public life, any person against whom charges have been framed by a Court of Law of offences punishable for two years or more should not be allowed to contest elections. In particular, any candidate charged with serious charges like murder, attempt to murder, rape, kidnapping, extortion, etc. should be banned from contesting any elections.

ii. Declaration of sources of income by candidates – Along with the declaration of their assets and liabilities candidates should also declare their income and sources of income at the time of nominations.

iii. Implement a multi-party system for appointments of the CEC and SEC – CEC should be appointed through a multi-party system including the Prime Minister, Leader of the Opposition,
The Speaker of the Lok Sabha, Deputy Chairperson of the Rajya Sabha and the Chief Justice. A similar process should be implemented for appointments of SEC.

iv. Implement ceiling on expenses of political parties during election period – To make the current laws on election expenses more effective, ceiling should be imposed on expenses during elections made by political parties as well.

v. The requirement for winning election should be “50% + 1 of the registered votes cast”: To stop candidates and parties from asking votes on caste, religion and regional basis and to help stop division in Indian society based on these parameters, a requirements should be made to declare a candidate as winner only if the candidate gets more than 50%+1 vote. In the case when no candidate gets required number of voters, there should be a runoff between the top two candidates getting maximum votes. It is worth noting that 50%+1 of the votes cast is an easier requirement for being declared elected, a more stringent requirement, and the ideal to ensure appropriate and proper representation, would be 50%+1 of the registered votes.

vi. Provide “None of the Above” (NOTA) option in the EVMs - The option of “None of the above” should be there on the Electronic Voting Machines (EVMs) under section 49 (0) to protect the identity and right of the voters. The votes cast for NOTA should be B-1/6 Upper Ground Floor, Hauz Khas, New Delhi – 110016, Ph: +91 11 4609 4248/4100 7559 Email: adr@adrindia.org, web: http://www.adrindia.org, Twitter: http://twitter.com/adrspeaks counted and if the highest number of voters are polled for NOTA then the following steps should be taken: (a) No candidates should be declared as elected, (b) Fresh election should be conducted, in which none of the earlier candidates should be allowed to contest, and (c) In the fresh elections, only a candidate who gets at least 50%+1 of the votes cast should be declared elected.

vii. Reduce the time provided for filing election expenses - A candidate presently can file accounts of elections expenses within 30 days which reduces the time given for filing election petition to 15 days. There is a need for amendments to sections 78, 81 and 84 of the R.P. Act, 1951 to reduce the period of filing accounts of elections expenses by contesting candidates to 20 days so that the time available for filing election petition would increase to 25 days.

viii. Action against candidates who fail to file their election expenses – Any candidate who fails to file their election expenses within the given time should face penalty, including not being allowed to take oath until they fulfill this obligation.

ix. Legal sanction for the filing election petition against candidates who lose elections – There is no provision for election petitions or other actions against candidates who lose elections. There needs to be a legal sanction against losing candidates also for filing an election petition who are guilty of corrupt practice in terms of section 123 of the R.P. Act, 1951.

x. Strict penalties against those involved in electoral malpractices - The relevant sections of the Representation of People Act (RPA) pertaining to electoral malpractices need to be amended and stricter penalties imposed. Electoral malpractices should be declared criminal offenses carrying a sentence of two years or more.

xi. Compulsory maintenance of accounts by political parties and audit thereof by agencies specified by the election commission: The Commission considers that the political parties have a responsibility to maintain proper accounts of their income and expenditure and get them audited by agencies specified by the Commission annually. While making this proposal in 1998, the Commission had mentioned that there was strong need for
transparency in the matter of collection of funds by the political parties and also about the manner in which those funds are expended by them. Although in an amendment made last year, vide the Election and Other Related Laws (Amendment) Act, 2003, a provision has been made regarding preparation of a report of contributions received by political parties in excess of Rs.20,000/-, this is not sufficient for ensuring transparency and accountability in the financial management of political parties. Therefore, the political parties must be required to publish their accounts (at least abridged version) annually for information and scrutiny of the general public and all concerned, for which purpose the maintenance of such accounts and their auditing to ensure their accuracy is a pre-requisite. The Commission reiterates these proposals with the modification that the auditing may be done by any firm of auditors approved by the Comptroller and Auditor General.

xii. Increase in Security Deposits and Number of Proposers:
- The amount of security deposit which a candidate at an election to the House of the People or a State Legislative Assembly has to make has been enhanced as a measure to check the multiplicity of non-serious candidates.
- In the case of an election to the House of the People, the amount of security deposit has been increased from Rs. 500 to Rs. 10,000 for the general candidate and from Rs 250 to Rs. 5,000 for a candidate who is a member of a Scheduled Caste or Scheduled Tribe.
- In the case of elections to a State Legislative Assembly, the candidates will have to make a deposit of Rs. 5,000 if they are. general candidates and Rs. 2,500 if they belong to a Scheduled Caste or Scheduled Tribe instead of Rs. 250 and Rs. 125 respectively as was being previously deposited by them.
- The amended law further provides that the nomination of a candidate in a Parliamentary or Assembly constituency should be subscribed by 10 electors of the constituency as proposers, if the candidate has not been set up by a recognised National or State Party.

6. Suggestions
To streamline the system we want radical reforms in the entire electoral system. Electoral reforms and other measures have become imperative to overcome the threat to democracy and carry democracy process forward. To improve the drawbacks and loopholes in the electoral system we propose these reforms.

i. Reorganization of Election Commission:
- To start with let us consider the appointment of the Chief Election Commissioner which as per the present procedure cannot be considered to be totally free from political bias as the appointment is made on the advice of the leader of the ruling party in the House.
- Considering the various suggestions regarding the appointment of chief Election Commissioner, the following mechanism would seem to be a good compromise and a practical proposition.
- The appointment of the Chief Election Commissioner can be made through a committee consisting of the Chief Justice of India, the leaders of the ruling party and main opposition party in parliament.
• The committee can make a panel of few eminent persons each one of them selected unanimously, and forward it to the president for final selection. In this way the over whelming say that the ruling party has in the appointment of the Chief Election Commissioner can be neutralized.

• Further, it should be made mandatory that the Chief Election Commissioner on completion of his term will not be eligible for consideration for any office of profit. However, a retiring Chief Election Commissioner may be provided an adequate compensation package.

• The members of the Election Commission should be appointed by the same committee as was proposed for the selection of the Chief Election Commissioner, but with the Chief Election Commissioner as an ex-officio member, Retired Govt officials should not be allowed to occupy this office.

ii. Independent Election Machinery: The Election Commission should have its own administrative machinery at the state level and its powers should be considerably augmented. At present the Election Commission is completely at the mercy of the central and state govs. It cannot even maintain the electoral rolls up-to-date without assistance from the state govt. In these circumstances, the independence of the election system would always be under constant threat from the vested interests dominating the party in power which in fact controls administration.

(iii) Simultaneous Elections: To curb the election expenditure it would help much if elections are simultaneously held for the Lok Sabha, State Assemblies and also the local bodies. This would drastically reduce election expenditure of all kinds and would incidentally promote development of a healthy party system at all levels of administrative structure.

(iv) State Funding of Electoral Campaigns: In addition to the simultaneous holding of elections, some system of funding of electoral campaigns is absolutely necessary. A simple procedure can be adopted. Candidates of a recognized political party and independents who have received more than, say 25% of the valid votes polled in a particular constituency in a previous election, would be entitled to receive a fixed contribution in two instalments equal to three-fourth of the limit imposed by the Election Commission on the election expenditure. These limits should be revised on the even of every General Election. Bossism prevails in all parties. New candidates will, of course not benefit by these arrangements.

(v) Discouraging Fake Candidates: To curb trivolous candidatures the Election Commission made various recommendations:

(a) Raise the security deposit for the Lok Sabha and State Assembly;
(b) Denial of facilities like telephone connection, subsidized printing paper, etc., to independent candidates,
(c) Disqualifying candidates who fail to poll at least 20% valid votes.

The first two suggestions may be considered, but the last one is absolutely vicious; so is the suggestion that there should be complete ban on independents.

(vi) Elections Time Table: In order to help reduce the heavy expenses incurred by the candidates in election evening. The scrutiny of nomination should be taken up on the day after the last date for making nominations, the interval allowed after the scrutiny of nominations for the withdrawal of candidatures should be reduced to 2 days and the minimum period prescribed for the election campaign should be reduced to 15 days.

(vii) Holding By-elections: It was alleged that some by-elections are not held for a very long period which naturally created suspicion on the part of the authorities. The Lok Sabha joint parliamentary
committee recommended that a statutory limit of 6 months should be introduced in the constitution for the holding of all by-elections.

(viii) Electronic Machines: There is a need to introduce electronic machines in the voting process. The only difference here is the voter has to press a button instead of marking a ballot paper. The use of electronic gadgets for election purpose will in the long run add to the savings.

(ix) Disposal of Election case: Election petitions also take a long time to be disposed of. Although it is required by Law that the election petition should be disposed of within 6 months of its filing, yet seldom this is done.

(x) Introduction of proportional Representation with List System: The present majority system should be replaced by a system of proportional representation of all the system of representation, proportional representation will be best suited to our conditions to ensure that legislative bodies. Seats should be allotted in proportion to the valid polled votes of the different political parties. Of the various forms of the proportional representation, the most democratic and feasible for our conditions will be list system. The electorate votes for the party list as a whole.

7. Conclusion
There are examples of different countries where Democracy and electoral processes have failed leading to huge political crisis. India is a huge success in the aspect of democracy despite its multiculturalism and diversity, which has been evident with the success of Loksabha Elections. However, every system consists of merits and demerits. Evils like crime, corruption and money power have the potential to poison our democracy. The duty to deepen the democratic values lies in the electoral process of the country. Hence, Electoral Reforms in India are the need of the hour. In democracy the public is most powerful tool and if the public do not vote in favor of dishonest and corrupt politicians and criminals 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 criminalized political system. So, though the EC is doing its duty in this regard but it cannot succeed unless all stake-holders (political parties and voters) realise their responsibility.

8. Conclusion
The principle of free and fair elections is an essential postulate of democracy, which in its turn is a part of the basic structure of the Constitution of India. The system of democracy through electoral process is the most practical of all systems and the one that offers the greatest opportunities and happiness with the fewest risks to the common people. It itself has a most beneficent effect on the development of the moral and intellectual stature of citizens.

9. References