

Indian electoral system issues and challenges in neo-liberal democratic regime

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Abstract:

Election is the method of selecting candidates in any government system. However, as categories, elections and representation can sometimes overlap with the discipline of political science. Without adequate representation of individuals and opinions, we cannot imagine a democratic India. Mill, a British historian, wrote a script in 1817 arguing that Indians are barbaric and undemocratic, giving British rule philosophical legitimacy. In the politics of representation, which is the central element of any democratic society, help us understand the methodology of the election commission. Despite the fact that this body is constitutionally independent, many questions remain. This paper has studied the question of the Indian electoral system and how, over a period of time, this election commission, through its constitutional power, has devised the method of a free and fair election. In addition, I examined the major issues and challenges confronting the election commission, and I argue that, while the commission has constitutional authority, it has failed to represent the true voice of the people of India and is still evolving through certain modes of election conduct.

Introduction:

This paper is divided into two parts. The first part of the paper will deal with the question of the election commission and its significance in the democratic system in India. In this section, I have outlined the idea of an election commission, and as part of this, I have focused on the electoral system and the primary challenges of the electoral system. In the second part of the paper, I have discussed the issues and challenges of the electoral system in the context of the neo-liberal regime in India. As liberalization entered the political scene in India, the whole system and its thought process started to change the core of the state apparatus. In this section, I have examined the major issues, such as the majoritarian system of government and the power of money. how the ruling party in India uses the state apparatus in her favor to influence the results of the electoral process as a whole. It has

been found over time that the candidates who represent the voice and vision of Indians are not serious in their political business, and this has questioned the whole democratic setup. The second major challenge to Indian democracy is the rise of crime, the rise of the economy, and urbanization. While the media is considered the fourth pillar of democracy, and it was expected that this institution, along with others, would strengthen democracy through the power of questioning, there is no hope due to the lack of diverse representation in Indian media houses, as studied by scholars in their report "Who Tells Our Stories Matters?"

Election commission of India

The Election Commission of India is a permanent constitutional body established on January 25, 1950, in accordance with the Constitution. Dr. B.R. Ambedkar stated the Election Commission of India's goals as follows: "Our country is vast, consisting of various races, languages, cultures, religions, classifications, and so on." As a result, the Election Commission, comprised of the Chief Election Commissioner for India as a whole, is required to prevent any injustice from occurring to the mixed population. This central body operates "free of local influences and shall control the entire election machinery in the country." Part XV of the Indian Constitution, Articles 324–329, deal with the Election Commission of India. Originally, there was only one chief election commissioner on the commission; now, there is one chief election commissioner and two election commissioners. On October 16, 1989, two additional commissioners were appointed for the first time, but they served only until January 1, 1990. Two additional Election Commissioners were later appointed on October 1, 1993. Since then, the concept of a multi-member commission has been in operation, with decision-making power based on a majority vote. The State Election Commission is led at the state level by the chief election commissioner, who is appointed by the governor of that state. The State Election Commission is empowered by Articles 243K and 243ZA of the Indian Constitution to conduct free and fair elections to local bodies as well as supervise, direct, and control the preparation of electoral rolls for the conduct of all elections to Panchayati raj and municipal bodies at regular intervals.

Electoral System in India:

The Election Commission of India is charged by the Indian Constitution with supervising, directing, and controlling the entire process of holding elections to the Parliament and Legislature of each state, as well as the offices of President and Vice President of India. The electoral system in India is broadly divided into two types: direct election based on territorial constituencies and proportional representation via a single transferable vote. The first system is used to elect members of the Lok Sabha, state assemblies, and union territory assemblies. The second election was held on the basis of proportional representation, with a single transferable vote for the President and Vice President of India, members of the Rajya Sabha, and members of legislative councils.

The following are the primary characteristics of the Indian electoral system:

Elections are held on the basis of the universal adult franchise. Anyone who is an Indian citizen and is at least 18 years old can register to vote on the Indian electoral roll. There is no discrimination based on religion, race, caste, sex, or any other factor. There is a provision in Lok Sabha for the reservation of seats for scheduled castes (84 seats) and scheduled tribes (7 seats), but no such provision exists in Rajya Sabha at the union level or legislative councils at the state level. The common electoral roll provides territorial representation for general seats. Delimitation commissions (1952, 1963, 1973, and 2002) are appointed after the ten-year census. As a result of the revision of constituencies means that the areas and boundaries change from election to election, but the number of constituencies will not change until 2026.

For the Lok Sabha and state legislatures, voting is done by secret ballot. It is critical and necessary for the public to express themselves freely and fairly. The open ballot system is being implemented for the Rajya Sabha and Council of States elections to combat corruption.

Political parties are an essential part of the electoral process. A multiparty system is in place in India.

Issues and Solutions:

Majority system:

The current majority system causes numerous problems. It only decides who gets the majority among the contestants, regardless of their voting percentage, but sometimes this percentage is less than 25% of total votes, so even if they win elections, the winning person represents a constituency with minority votes, but he or she represents 100% of the people. This system breeds divisive politics in society based on caste and community. Instead, to win in any election, one must receive more than half of the votes cast. If no one gets through the first round, the election should be held between the top two candidates in the second round. This increases people's collectiveness while decreasing divisive politics such as caste politics and communalism. Any political party should have support from all groups of people; otherwise, no one can win elections.

Money Power:

Money-power influence is also a major flaw in our electoral system. Elections are now a costly affair. Political parties and aspirants are sometimes afraid of the frequent elections. Votes are traded like market goods by buying and selling. Previously, businessmen aided political parties, but now they directly participate in elections; they run in direct elections, and sometimes they buy seats in the Rajya Sabha and Legislative Councils of states from political parties, etc. In many cases, political leaders are also involved in public contracts and government agencies and become industrialists and businessmen through their nominees. According to a survey conducted by the Association of Democratic Reforms (ADR), a civil society organisation, 82% of Lok Sabha members are billionaires. The average assets of the 16th Lok Sabha MPs are shown in the table below.

The following table shows the 16th Lok Sabha MPs' party-wise average assets.

Table 1: Average Assets of Member of parliamentarian Party wise in the 17th Lok

Sabha

Political Party	Financial Assets
BJP	24.6 Cr.
INC	16.7 Cr.
AIADMK	6.5 Cr.
BJD	16.5 Cr.
SHS	9.2 Cr.
TDP	64 Cr.
TRS	63.7 Cr.
CPI(M)	79.8 Lakh
LJP	2.5 Cr.
NCP	37.3 Cr.
RJD	4.3 Cr
PDP	39.7Cr.
JD(U)	1.7Cr.
AAP	8Cr.

Undivided Andhra Pradesh MPs have more than 50 crores in average assets in the 17th Lok Sabha; no other party or state has this much average. The average asset of Bhartiya Janata Party MPs is \$24.6 billion. MPs from the CPI (M) party have the lowest average assets, totaling 79.8 lakhs. It is the only party whose members have assets that are below average. They are spending enormous sums of money on elections; it has now become a mania and a competition among contestants and parties to spend money on elections. This expenditure is divided into two categories: 1. Legally permissible within the legal limit 2. Illegal under the law. The second leads to rampant corruption from top to bottom, resulting in corporate and mining scams worth thousands and millions of rupees. In larger states, expenditure for MP, MLA, and other local government elections is limited. 70 lakh people live in small states. The actual spending for Lok Sabha and MLA elections—28 lakh in larger states and 20 lakhs in small states—exceeds these limits; in many cases, it is in the crores, in the form of liquor, money, cell phones, cricket kits, mess, and other items for voters, etc. To avoid this, political parties' income and expenses should be audited

annually. Checks or DDs should be used for their transactions. Political party expenditures are included in the expenditures of the candidates. Long before elections, political parties spend massive sums of money, but this is not considered election spending. The election commission considered the expenditures of political parties as expenditures of candidates for at least six months prior to the general elections. Observers should take an active role in enrolling all types of expenditure in their designated areas. If such violations occur, serious consequences should be announced and implemented. Furthermore, service-oriented, dedicated public servants will be encouraged.

Government machinery is Misused-

The ruling parties and governments, both at the centre and province level abuse government machinery. Even before elections, the government uses public funds to run advertisements with photos. Some ministers, chief ministers, and governors visit on official business but campaign for the party. Government vehicles and bureaucracy are also used to benefit the party. Governments use the transfers to benefit their political parties. The Election Commission issued guidelines, but they must be strictly followed. The Election Commission should be self-sufficient and not dependent on the executive bodies of the Union and state governments.

Muscle strength-

Another major setback in the Indian electoral system is muscle power and dominance. Booth capture, rigging, voter intimidation, and polling staff violence before, during, and after an election are all examples of muscle power. The current measures are insufficient to prevent the aforementioned malpractices and ensure fair elections. This is sometimes manipulated as well. As a result, all polling booths are equipped with CC cameras and webcasting. All polling booths should have CC cameras installed, and webcasting via the internet should be available. A biometric system linked to the ADHAR number will be implemented; similar to ATMs, voters will be able to vote through specific centres for a limited time. ECI can provide electronic voting cards for this purpose.

Non-serious candidates-

Non-serious candidates should be discouraged from running for office by increasing the security deposit at regular intervals. For example, during the general election to the Tamil Nadu Legislative Assembly in 1996, there were 1033 contesting candidates in the Modakurichi Assembly constituency with the intention of upsetting the election process. The ballots were presented in the form of a booklet. There are times when the security deposit is raised and the number of contesting candidates falls. The security deposit for Lok Sabha elections was increased from \$500 to \$10,000 in 1996, and from \$250 to \$5,000 for legislative assembly elections. This revision of the security deposit produced the desired results; it had been seen in the 1998 Lok Sabha elections, where the average number of contesting candidates was nine in the 1998 Lok Sabha elections and fifteen in the 16th Lok Sabha general elections. The current security deposit for Lok Sabha elections is Rs. 25,000, and the security deposit for Legislative Assembly elections is Rs. 10,000, which is a very small amount when compared to other countries around the world. It should be increased by at least 50% before every five years or the general Lok Sabha elections. Participation in any social service activities is also a requirement for running for office.

Criminalisation of politics

Politics criminalization is a serious issue in today's politics. Lawmakers should not be tainted by criminal charges, so the law should prohibit them from voting. In the current 16th Lok Sabha, 53 members face serious criminal charges, and if convicted, they will be disqualified. According to the ADR report, 34% of new MPs face criminal charges, up from 24% and 30% in 2004 and 2009, respectively. The ADR report says that the average length of time for criminal cases declared by MPs under Sections 8(1) and 8(3) of the Representation of the People Act is ten years.

The following table.2 shows Percentage of M.Ps party wise facing criminal proceeding in the 16th Lok Sabha Party wise M.Ps Facing Criminal Proceedings in the 17th Lok Sabha

Political Party	Percentage of criminal case pending
BJP	35%
INC	18%
AIADMK	16%
BJD	15%
SHS	83%
TDP	38%
TRS	46%
CPI(M)	56%
LJP	67%
NCP	80%
RJD	100%
PDP	33%
JD(U)	50%
AAP	00

Source: Association for Democratic Reforms¹¹

It is clear from the data presented in the table that every member of parliament representing the RJD has some sort of criminal record. In the current iteration of the Lok Sabha, members of the AAP have not been implicated in any criminal activity. Criminal charges against all parties' MPs average 34 percent. For political leaders, there should be special courts that move cases along more quickly, and within a period of six months, any pending or new cases should be resolved. They are not permitted to run for office in the union, the state, or the local bodies until all charges against them have been dropped.

Opportunistic Coalition governments

Another significant flaw in our political system is the formation of coalitions after elections. They run on opposing political philosophies in elections, but after the elections, in a move that goes against the will of the people and is motivated solely by a desire to hold power, they band together to form the government. As a result, the political coalitions that were established prior to the elections will be sanctioned, and the law will undergo the necessary revisions. Defections on the political front are another significant problem,

particularly at the state level. They were elected to office under the banner of a particular political party whose ideology was popular with the voters, but after taking office, they switched allegiances to a different political organization. It should not be permitted to constitute one-third of the party or any part of the party at all. After certain events, such as the completion of a term, resignation, or merger, the party will be permitted. Right now, the Speaker of the House of Representatives has the power to disqualify political defectors. However, the Speaker often bases his decision on the rules of the party to which he belongs. Because of this, this power should stay with the Election Commission of India.

Age of contesting election:

At the moment, anyone over the age of 18 has the right to vote, but they cannot run for office in the Lok Sabha or Legislative Assemblies until they have served for 25 years. They enter a different profession by the age of 25; they may not enter politics. As a result, the voting age and eligibility to run for Lok Sabha and the Legislative Assembly should be the same. So, young people will be included in direct elections as representatives instead of just being able to vote.

Paid news:

Paid news is the most recent serious problem in India's electoral system. "Any news or analysis appearing in any medium, either print or electronic, for a price in cash or kind as consideration," according to the Press Council of India, because it is difficult to scrutinize in practice, the mechanism will be strengthened. Following all of the preceding discussion, the current majority system should be replaced by a rule requiring more than 50% of votes to win elections. Accounts should be accountable and audited, and ECI financial expenditure observers should be activated to record all types of expenditure by contesting candidates and political parties. Tainters should be removed from legislative chambers, and special fast-track courts will be established for charges against political leaders. The ECI has the authority to disqualify members or parties in political defections, but not speakers or chairpersons. Coalition formation after elections should be prohibited. The right to vote and the right to contest one's age should be treated the same. Paid news will be scrutinized using special mechanisms.

Conclusion:

The Election Commission of India is mentioned in Article 324 of the Indian Constitution. This constitutional body is empowered by the constitution to conduct free and fair elections. In the case of Kerala, the election commission used its constitutional authority to conduct a free and fair election for the first time in 1960. Since then, the election commission has devised a plethora of methods for conducting free and fair elections in all elections investigated. The main disadvantage of the body is that it does not have a permanent staff and is always run by the president of India and the governor. In 2013, it was argued that political party manifestos should be legally binding and considered a legal document, and that if parties fail to fulfil election promises, they should face legal consequences. Finally, as Ambedkar argued, Indian political democracy cannot survive without social and economic democracy, and there should be a free and fair method to investigate such questions so that the Indian democratic system can be strengthened in favor of the people at large.

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