

Proposed Electoral Reforms in India: A Critical Study

¹ Rakesh Kumar, ² Dr. Sanjaya Choudhury³ Dr. Ashok Kumar Sharma

¹ Research Scholar, Doctor of Philosophy in Law,

² Research Guide Bhagwant University, Ajmer, (Raj).

Email:- rkphd2018@gmail.com

Abstract

In democratic and multi political parties society like India, elections play a pivotal role to form federal forms of governments like Parliament and state Assemblies and Local Self-Government bodies known as Village Panchayats, Taluk Panchayats, Zilla Panchayats, and Municipalities at Urban levels. Indeed, the survival and smooth functioning of democracy are based on the success and smooth fair and impartial elections only. Indeed, to conduct elections impartially, a separate independent constitutional body known as Election Commission of India was constituted under Article 324 of the Constitution

KEYWORDS: election, opportunity, Election Commission of India, Elections, Local self Governments.

Introduction

In this research paper I tells about the Elections play a vital role in democratic system of governance. In India the political propaganda is related with elections (Palmer 1972). Since 1952, when the primary election ended, diverse reforms have taken area on the difficulty of birthday celebration funding. However, the present state of affairs is as follows:• steady with a look at through the middle for Media Studies, it had been anticipated to be applied in the 2014 widespread elections through government, political events and candidates. The legit use through

the Indian Electoral Commission and consequently the Government of India could be Rs. 7,000-8,000 characters - e.g. elections became costlier for political events.

As compared to other forms of governments, democracy is the best form of government, because, in a democratic form of government, the government is elected by the common people of the country which allows every citizen to cast vote and choose his representative irrespective of caste, colour, creed, religion or gender. So that, after independence, India has adopted the democratic form of government with multiple political parties system, and now it is the largest democracy in the world also. In a democratic system, an election is the most important segment, which plays a crucial role to elect people's representatives. Indeed, India is a federal system of the administration having the union and state governments. To run the administration at Central as well as state level, we have parliamentary and state assembly elections for every five years once under the Representation of the People Act, 1951. Simultaneously, by the 73rd Constitutional Amendment Act, 1992, introduced Three-tier system of Local Self-Government bodies generally known as Village Panchayats at the village level, Taluk Panchayats at the Taluk level and Zilla Panchayats at District level. Besides, 74th Constitutional Amendment Act, 1992 provides provision for the establishment of Municipalities at Urban levels separately. Hence, now it is required to conduct elections to all these bodies regularly and systematically by the Election Commission.

CONSTITUTIONAL STATUS TO THE ELECTION COMMISSION OF INDIA

The Election Commission of India is an independent Constitutional body constituted under Article 324 of the Constitution, 1 which provides for the appointment of an Election Commission to superintendent, direct, control elections, to conduct elections to the Parliament and the Legislature of every State and elections to the offices of President under Article 55 and Vice-President under Article 66 of the Constitution.² Accordingly, the Election Commission of India was established on 25th January 1950. Initially, it had only one Chief Election Commissioner, but at present, it consists of one Chief Election Commissioner and Two other Election

Commissioners also. In T.N.Seshan v/s Union of India, 3 five-judge Constitution bench of the Supreme Court comprising Justice Ahamadi CJ, J.S.Verma, N.P.Singh, S.P.Bharuch and M.K.Mukharjee upheld the validity of Act equating the status, power and authority of other two election commissioners with the Chief Election Commissioner. Ultimately, the President has the power to appoint Chief Election Commissioner and other Election Commissioners. Their tenure is six years or 65 years whichever is earlier and they have the same status and receive perks as available to Judges of the Supreme Court of India. The Election Commission of India is responsible for administering elections in India according to the rules and regulations mentioned in the Constitution of India.

Objectives:

1. To eliminate the expanding of parties in the political arena, the Election commission should now registers a party which has at least 100 registered electors as its members and is also charging a small processing fee of Rs 10,000 to cover the administration expenses.
2. The election commission should also put restriction on the amount of money invested in the campaigning of the political parties. Election commission also raised certain suggestions from time to time. The Commission has fixed legal limits on the amount of money which a candidate can spend during the election campaign. These limits also have been studied from time to time.
3. The EC was made a multi-member commission by the government in the stir of certain controversial decisions taken by the Chief Election Commissioner. It was observed in the decision of S.S.Dhanoa V. Union of India, Supreme Court observed that when election commission worked in so many areas to control the misconduct in the election, a multi member commission body should also be established to put check on the working of election commission.
4. Inclusion of a chapter in the Representation of the people Act, to govern the creation and functioning of political parties to avoid their rupture and to guarantee internal democracy and maintenance of funds.

Review:

In this research review article more than five review of literature is a text of a scholarly paper, which includes the current knowledge including substantive findings, as well as theoretical and methodological contributions to a particular topic. It discusses published information in a particular subject area. It can be just a simple summary of the sources, but it usually has an organizational pattern. The summary contains a recap of the important information about the source. It is divided into three parts. The first part discusses about the review of the articles studied by the author during the course of her research. The second part analyzes the books, the third part analyzes the law reports and other reports published by the various governmental bodies discussing about surrogacy and the regulation of Assisted Reproductive Technology clinics.

Electoral reforms in India

During the remaining half-century, there have been fifteen popular elections in Lok Sabha and a really widespread amount inside the numerous State Legislative Assemblies. The experience at some stage in this election has led to numerous distortions that purpose brilliant problem in lots of areas. There are ongoing symptoms of the dangerous position of inflation, muscle energy and mafia energy also as criminalization, corruption, communism and casteism. Concerns approximately electoral reform are expressed in nearly every a element of India. With numerous network and authorities committees observed out to signify adjustments to the electoral process inside the past, it's believed that issues over electoral reform are new India. the topic of electoral reform has been haunted through many authorities committees inside the past, such as however now no longer restricted to:

- Goswami Committee on Electoral Reforms (1990)
- Vohra Committee Report (1993)
- Gupta Committee on State Funding of Elections (1998)

- Law Commission Report on Reform of the Electoral Laws (1999)
- National Commission to Review the Working of the Constitution (2001)
- Election Commission of India – Proposed Electoral Reforms (2004)
- The Second Administrative Reforms Commission (2008)

Kumar (2002, p. 3489) factors out that additionally, the Indian Electoral Commission additionally took steps to advise modifications to the vote casting system because 1980 and in its guide Elections in India-Major Events and New Initiatives 1996-2000 counseled that far-achieving reforms inside the manner of election. In 1996 Parliament surpassed the Amendment Act, 1996. The Ministry of Justice and Justice, the govt of India, has set up an Electoral Reform Committee. The Committee considers the perspectives of political leaders, civil servants, criminal professionals, NGOs, academics, academics, reporters and different stakeholders. Unfortunately the very fact stays that guidelines for those reports are read and punctiliously prepared. But one ought to notice that difficulty over electoral reform has now no longer handiest emerge as fashionable inside the past. Kumar (2002) states that it had been in early 1974 that Jayaprakash Narayan fashioned the Electoral Reform Committee beneathneath the chairmanship of VMTarkunde on behalf of the Citizens of Democracy, an impartial organization and consequently the record changed into submitted in 1975. Additionally noted as the Tarkunde Committee.

Results and Conclusion:

FUNCTIONS OF THE ELECTION COMMISSION

- The Election Commission performs the following functions;
- The Election Commission of India is considered as the guardian to conduct fair elections,
- The superintendence, direction and control of the preparation of electoral rolls. It prepares and issues model code of conduct in every election.
- It regulates and registers political parties for being eligible to contest elections.
- It publishes a ceiling limit of campaign expenditure and also monitors the same.
- It receives financial reports of political parties.

- Conducting voter awareness programmes to participate maximum number of voters in election

The National Commission for Constitutional advocated in its 2001 record that the web database have to be created with the aid of using the Electoral Commission. In this kind of device, every voter are going to be given a singular ID-coded ID quantity, provided for all times. This ID card with Universal Product Code and quantity are often verified all through a hand-held booth. Election files for this program are often organized on the panchayat or local level. In line with this, the Commission additionally advocated that the electoral roll restore paintings shouldn't be repeated as is presently the case, in all likelihood with the aid of using handing it over to an outdoor organization beneathneath the auspices of the Electoral Commission. A medium, automatic device can offer clean public get admission to election rolls. In a 2004 record on proposed electoral reforms, the Electoral Commission agreed with the National Commission on Constitutional Performance that there must be uniformity altogether elections, and parliamentary and parliamentary files had been organized to satisfy nearby electoral requirements. that is often tremendously reconciled with the aid of using the Commission for the aim of saving charges and making the method greater green. The Goswami Committee of 1990 advocated that the Post Offices must be facilities for the guidance and preservation of election files. This solution may also be previous in ultra-modern society, wherein green pc programs are often built. The Committee, however, has proposed a multi-goal identification record proposed with the aid of using the National Constitutional Review Commission.

Although segment 29C of the Representation of the People Act, 1951 calls for political events to announce their contributions, the sort of assertion is most effective legal with the aid of using donations of extra than Rs 20,000.

MAJOR ISSUES RELATING TO THE ELECTION PROCESS

There are certain serious issues relating to elections. They are as follows,

- Money power is a critical issue, which is not controlled.
- The criminalisation of politics and increasing of many criminals in politics.
- Misuse of Government Machinery by ruling political parties during the elections.
- Political poll violence and conflicts which disturbs peace and harmony.
- Increasing of communal and caste-based Politics.
- Over-expenditure: Election expenditure is being increased day by day. For instance, the total cost incurred
- During the 2014 Lok Sabha elections was 3, 426 crores and imagine state legislatures and local elections expenditure.
- The collapse of Administration: Since the notification of election code to until to the declaration of elections results in and no administrative works and the public will face much trouble.

Political pressure: Misuse of power by ruling political party leaders and makes heavy pressure over election officers not to take stringent actions if they take actions unnecessary punishment transfers can be taken place. Difficulty in tracing out the limitation of ceiling expenditure. Lack of co-operation from election officers to implement the election code of conduct.

Wastage of Time: Generally, elections conducting regularly and repeatedly in the name of general elections, by-elections, in the name of resignation and re-elections, resignation to one constituency in case of candidate contested multiple constituencies.

References

1. Locke, John (1988) [1689]. Laslett, Peter (ed.). *Two Treatises of Government*. Cambridge, NY: Cambridge University Press. Sec. 87, 123, 209, 222. ISBN 0-521-35448-X.
2. Locke, John. *Two Treatises on Government: a Translation into Modern English*. Quote: "Government has no other end, but the preservation of property. Google Books.
3. Powell, Jim (1 August 1996). "John Locke: Natural Rights to Life, Liberty, and Property". In *The Freeman*. Foundation for Economic Education, Irvington, New York, US.
4. Curte, Merle (1937). "The Great Mr. Locke: America's Philosopher, 1783-1861". *The Huntington Library Bulletin* (11): 107–151. doi:10.2307/3818115. ISSN 1935-0708.
5. Tocqueville, Alexis de (2003). *Democracy in America*. Barnes & Noble. pp. 11, 18–19. ISBN 0-7607-5230-3.
6. Allen Weinstein and David Rubel (2002), *The Story of America: Freedom and Crisis from Settlement to Superpower*, DK Publishing, Inc., New York, ISBN 0-7894-8903-1, p. 61
7. Clifton E. Olmstead (1960), *History of Religion in the United States*, Prentice-Hall, Englewood Cliffs, NJ, pp. 63–65, 74–75, 102–05, 114–15
8. Christopher Fennell (1998), *Plymouth Colony Legal Structure*
9. Deacy, Susan (2008). *Athena*. London and New York: Routledge. pp. 145–49. ISBN 978-0-415-30066-7.
10. "Citizenship 1625–1789". The National Archives. Retrieved 17 November 2013.
11. "Getting the vote". The National Archives. Retrieved 22 August 2010.
12. "Record of Ignatius Sancho's vote in the general election, October 1774". British Library. Retrieved 2 October 2020.
13. Gregory, Desmond (1985). *The ungovernable rock: a history of the Anglo-Corsican Kingdom and its role in Britain's Mediterranean strategy during the Revolutionary War*,

1793–1797. London: Fairleigh Dickinson University Press. p. 31. ISBN 978-0-8386-3225-3.

14. "Voting in Early America". Colonial Williamsburg. Spring 2007. Retrieved 21 April 2015.
15. Dinkin, Robert (1982). Voting in Revolutionary America: A Study of Elections in the Original Thirteen States, 1776-1789. USA: Greenwood Publishing. pp. 37–42. ISBN 978-0-313-23091-2.
16. Ratcliffe, Donald (Summer 2013). "The Right to Vote and the Rise of Democracy, 1787-1828" (PDF). *Journal of the Early Republic*. **33** (2): 231. doi:10.1353/jer.2013.0033. S2CID 145135025.