



# “ELECTION COMMISSION OF INDIA (ECI) AND ELECTORAL REFORMS IN INDIA”

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## ABSTRACT

India is the largest democracy in the world. India has a parliamentary form of democracy or government. India is a sovereign, socialist and democratic republic. The Parliament consists of the President and the two Houses of Parliament, the lower house, called the Lok Sabha and the upper house, called the Rajya Sabha. India is a Union of States. It has separate State Legislatures for each State. State Legislatures comprises the Governor of the State and the two Houses, the Legislative Council and the Legislative Assembly. In a Parliamentary form of Government, the party getting the majority of votes or a coalition of parties, who are able to get the support of the majority of Legislators in the Lok Sabha or Legislative Assembly, forms the Government, in the Centre or State, respectively. Part XV of the Constitution of India contains laws pertaining to elections in India. To conduct free, fair and impartial elections, an Election Commission is constituted. The Election Commission of India (ECI) is an autonomous constitutional authority responsible for administering Union and State election process in India. The ECI administers election to the Lok Sabha, Rajya Sabha, State Legislative Assembly in India and the offices of the President and Vice-President in the country. The ECI has initiated a number of electoral reforms to conduct free and impartial elections and to improve and strengthen the electoral practices in India.

## KEY WORDS:

Election Commission of India, Constitution of India, Electoral Reforms, Free, fair and impartial elections.

## INTRODUCTION

Part XV of the Constitution of India contains laws regarding elections in India. India is the largest democracy in the world. India or Bharat is a Union of States. The Election Commission was established on 25<sup>th</sup> January, 1950 as per the Constitution. The Election Commission of India (ECI) is a permanent and an autonomous constitutional authority or body, responsible for administering Union and State election processes in India. The electoral reforms process was introduced to make strict laws to conduct free, fair, impartial and transparent elections. Various committees have been constituted to examine the issues, relating to electoral reforms.

## OBJECTIVES OF THE STUDY

1. To understand the concept of the Election Commission of India (ECI) and Electoral reforms.
2. To review the literature on electoral reforms in India.
3. To know the various electoral reforms initiated in India by ECI.

## RESEARCH METHODOLOGY

The research is descriptive in nature and based on secondary data sourced from books, journals, research papers, websites, etc.

## CONCEPT OF THE ELECTION COMMISSION OF INDIA (ECI)

ECI is a permanent autonomous constitutional authority or body, established on 25<sup>th</sup> January 1950, as per the Part-XV of the Constitution of India. The body administers elections to the Lok Sabha, Rajya Sabha, State

Legislative Assembly in India and the offices of the President and Vice President of India. Originally, the ECI had only a Chief Election Commissioner. Presently, the ECI consists of the Chairman i.e. the Chief Election Commissioner, assisted by two Deputy Election Commissioners. The President appoints the Chief Election Commissioner and other Election Commissioners. They have a tenure of 6 years or upto the age of 65 years, whichever is earlier. They enjoy the same status and receive salary and perks, as available to the Judges of the Supreme Court of India. To assist the Election Commission in its working, the Regional Commissioners are appointed, at the time of general elections to the Lok Sabha or the Legislative Assemblies of the States. The Regional Election Commissioner cannot be removed except on the recommendation of the Chief Election Commissioner, which places the position of the Regional Election Commissioner, at a level, subordinate to the Chief Election Commissioner.

In 1956, for helping the Election Commission in the transaction of daily administrative business, two posts of Deputy Election Commissioner were created.

The ECI has to conduct free, fair, impartial and transparent elections. The ECI has to do supervisory arrangements for ensuring efficient and impartial working of the electoral system.

The powers and functions of the ECI are as follows:

- (a) Preparation of electoral rolls for all the elections.
- (b) Appointment of Chief Electoral Officers for each constituency.
- (c) Conducting all elections, general, state assembly and elections to the President and Vice President.
- (d) Counting of votes and results declaration.
- (e) Receiving complaints related to election.
- (f) Issuing notifications for by-elections.
- (g) Advising the President on disqualification question of any Member of Parliament.
- (h) Advising the Governor of the State, on disqualification question of any member of the State Legislative Assembly.
- (i) Appointment of election tribunals for the decision of doubt and disputes, arising out of or in connection with the election to Parliament and to the State Legislature.

## CONCEPT OF ELECTORAL REFORMS

Electoral reforms refer to changes made to improve the election process and to ensure a free, fair, efficient and transparent election process, promote greater democracy, prohibit criminalization of politics, equal representation, stop the misuse of the government machinery, stop money power, muscle power, have integrity, accuracy, enhanced impartiality, inclusiveness, stop politicization of criminals, non-serious independent candidates, casteism, communalism, absence of moral values in politics, reduce corruption. Electoral reforms are the changes or improvements in the electoral system of a specific country. In a democracy, elections are an integral part of politics and thus free and fair elections are compulsory for the success of democracy. Electoral reforms are needed in the electoral system to remove the hurdles in the electoral process.

## REVIEW OF LITERATURE

**Kumar V. (2020)**, in her research paper, “**Electoral reforms in India : Needs, issues and challenges**” has stated that the freedom of India from European imperialism has initiated the peoples rule in India by democratic principles, norms and values. The core value of India’s constitution are democracy, quality and fundamental rights. To make Parliamentary democracy work, electoral system is required and is a crucial instrument. In India the Election Commission of India holds free, fair and impartial elections. The electoral system needs electoral reforms to have free of flaws elections. The research paper has thrown light on the need, issues and challenges of electoral reforms in India.

**N.E. Md. (2019)**, in his research paper, “**Electoral reforms in India : An analysis**” has stated that democracy scholars opine that an important characteristic of a mature democratic polity is to hold elections at regular intervals. Post partition and freedom from Britishers India one of the democratic country has accepted parliamentary democracy after India’s Independence in 1947. For free and fair, flawless elections, different committees were formed and laws were passed and the committees suggested various reforms in the election process. There are various issues in electoral politics in India.

**S. Barki (2016)**, in his research paper, “**Electoral Reforms in India Since Independence**”, stated that India being a large, diverse, multiculturalism country, has a tremendous success in democracy. But, there is no system, which is without flaws. In India electoral reforms is the need of the hour, to eliminate crime, corruption,

money power and muscle power, improve voting process, greater transparency in voting process and for the voting process to be fair and justified. For election reforms, suggestions have been made.

**Dutta B.M. (2018)**, in his research article, **“Electoral Reforms in India : A Look Back And A Way Forward”** provides remedies for various electoral issues like election funding, no transparency, mass corruption, black money, booth capturing, voter intimidation, false voter registration cards, election rigging, the presence of ineffective candidates, misutilisation of religion and caste in order to influence voters. This research article has done a review of the vital problems in Indian electoral system and the electoral reforms suggested by various committees. The Election Commission of India has taken various electoral reforms.

**R. Kumar (2017)**, in his research paper, **“Electoral Reforms in India”** has stated that the Election Commission of India have made various changes in various areas to address the electoral issues, various committees were formed to suggest reforms in the electoral system and give recommendations. But certain issues need laws to make the needed changes like criminalization of politics. Many elected representatives have criminal charges against them. Strict enforcement of the revealing of criminal records of candidates and restrictions on candidates eligibility with criminal cases pending against them are the two measures suggested by committees. The Right to Reject or None of the Above (NOTA) (negative vote) has given voters right by the Supreme Court, to reject all candidates, by providing NOTA button on EVMs and ballot papers. Action should be taken on victimization of officers appointed for election duties.

**Y. Mohd, Yadav S (2024)**, in their research paper **“Issues Related to Electoral Reforms in India”** has studied the history of electoral process in India, electoral laws in India, electoral reforms in India, criminalization of Indian Politics, conduct and management of Indian elections need for regulation of political parties in India, problems of the elections operational aspects electoral reforms and suggestions for Indian electoral reforms.

**Neelima K. (2017)** in her research paper, **“Electoral Reforms in India : Perceptions of Supreme Court and Law Commission”** has made an effort to study qualitatively the prominent Supreme Court of India verdicts on electoral reforms and the reports of the Law Commission to know whether the perceptions regarding electoral process were incorporated in the judicial and legal support for electoral reforms in India.

**M. Naganoor (2024)**, in his research paper, “**A Study on Electoral Reforms and their Effectiveness in Enhancing Democratic Participation in Indian Context**” has the objectives of his research study, to make an assessment of the extent for which EVMs introduction has affected voter turnout, curtailed fraud in election, and enhanced confidence of public in the electoral process, examined the importance of the Model Code of Conduct to maintain a level playing field in elections and its effectiveness in stopping malpractices in elections and having fair election, investigating how for the stricter campaign finance regulations are effective and candidates having criminal backgrounds are disqualified to enhance transparency and accountability in the electoral process, and exposing the legal and institutional framework which supports Election Commission of India’s independency and evaluate the ECI’s effectiveness in holding free and fair elections, without any political influence.

**Ubale S., Shedge V. (2023)**, in their research paper, “**Electoral Reforms in India : Issues And Challenges Before The Election Commission**” have discussed the electoral reforms in India, by dividing the period into four parts, before 1996, in 1996, after 1996, in 2003, in 2009, 2010, 2013, 2014, 2015 and in 2017. It has discussed the Indian elections and the importance of Indian Judiciary in conducting free and fair elections, critically examined the legislative framework and the Electoral system criminalization. It has observed the statistical analysis regarding MPs with pending cases against them, for the years 2004, 2009, 2014 and 2019. It has discussed the issues and challenges relevant to current situation in Election Commission and given suggestions related to electoral reforms in India.

## **ELECTORAL REFORMS IN INDIA**

**The Representation of the People Act (RPA) of 1951 provided the first set of rules for the conduct of elections to the Houses of Parliament and State Legislatures.** Over the years the RPA has been amended to reflect the changing circumstances. A number of measures have been suggested to improvise and strengthen the

electoral practices in India. India is the second highest populated country, with the largest democratic foundation in the world. Elections in India are a very big topic and an integral part of the democratic system. The voting rights of the electorals have been reformed, quite a few times, since the advent of the Constitution of India.

**The Indian Electoral process, rules, regulations and directives have been changed quite a few times in order to maintain the dignity of the voting right and to eliminate corruption from all possible levels.** The first three elections were held on a fair ground, but the standards started to decline, from the fourth election held in 1967. Many people felt that it is due to political corruption that lead to maladministration. Thus, **electoral reforms were introduced to face such challenges of money, muscle power, criminalization and politicization, misusing government machinery, degradation of moral values, presence of casteism and communalism and attracting votes with respect to caste and religion, non-serious independent candidates.**

Due to the above mentioned issues / challenges, maligning the electoral process, the electoral reforms process was introduced to make laws more strict. Different committees like Joint Parliamentary Committee headed by Shri Jagannath Rao (1971), the Tarkunde Committee (1974), the Dinesh Goswami Committee (1990), V.K. Krishna Iyer Committee (1994) and the Indrajit Gupta Committee (1998) have been constituted, to examine issues, relating to electoral reforms. The ECI has submitted its recommendations on electoral reforms in India in 1977, 1982, 1990, 1992 and 2004. Political parties through the platform of all party meetings, have suggested for electoral reforms. The Law Commission has submitted its 170<sup>th</sup> report, on reforms in the Electoral system. From time to time, the Government has also initiated redemptive measures.

**The various electoral reforms initiated in India are as follows:**

### **1. Reducing Voting Age**

The 61<sup>st</sup> Amendment Act lead to reducing the voting age from 21 years to 18 years, for the Indian citizens.

## 2. Election Commission Deputation

Every election personnel will be superintended, by the Election Commission of India, throughout the cycle.

## 3. Electronic Voting Machines (EVMs)

In 1998, the Electronic Voting Machines (EVMs) were introduced in the State elections of Madhyapradesh, Rajasthan and Delhi, which earmarked a better and more efficient election process.

This is one of the most **important election reforms** in India before 2000.

## 4. Restricting Constituencies for Contest

There was drastic transformation in the electoral process in India, when the candidates were not allowed to contest, from more than two constituencies in India.

## 5. Election Expenditure Limitation

The Electoral Reform Committee has laid the maximum amount of expenditure, a party can spend, as an individual candidate. The amount is INR 50-70 lakhs for Lok Sabha Elections and INR 20-28 lakhs for Assembly Elections.

## 6. Broadcasting Election Results

In 2018, the electoral reform from the ECI stopped broadcasting the results, before the final phase, in order to, avoid misleading voters, in any way possible.

## 7. Postal Ballot Reform

In 2013, an electoral reform expanded the ambit of this way of casting voting, by including six categories. This method can be used by service voters, wives of service voters, special voters, wives of special voters, voters in preventive detention, personnel on election duty and notified voters.

## 8. National Voters Day (Awareness Creation)

The ECI announced that 25 January will be celebrated as National Voter's Day, across the country, to spread the awareness and significance of elections. It is done to encourage the Indian citizens to actively take part in the elections by voting and expressing their thoughts.

#### **9. Disqualifications and increase in number of proposers and Security Deposit**

As per the electoral reforms, the candidate can be disqualified, in case of violation of National Honours Act, 1971. The security deposit to contest the election and 10% increase in the Proposers, on the nomination papers, has also been done.

#### **10. Arms Prohibition**

There is said to be prohibition to enter near the polling booth with arms.

#### **11. Time limit for Bye Elections**

Bye-elections should be done, within 6 months of the vacancy taking place.

#### **12. Liquor Sale and distribution prohibition**

There is a prohibition of sale and distribution of liquor within polling areas.

#### **13. Public Holiday on Poll Days**

On poll days employees of organization get a paid holiday and violation of this is punishable by a fine.

#### **14. Reduction in campaigning period**

There is reduction in the campaigning period.

#### **15. Reporting Contribution**

Political parties have to report any contribution in excess of Rs.20,000 to the ECI, for claiming income tax benefit.

## 16. Declaration

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 upto 6 months or fine or both.

## 17. Restriction on Exit Polls

The ECI issued a statement before the 2019 Lok Sabha elections, stating that, exit poll results could be broadcast, only after the final phase of the elections were over, to avoid prospective voters, being misguided prejudiced in any manner.

## NEW INITIATIVES

The Election Commission has taken several new initiatives in the recent past. Notable among these are, a scheme for use of State owned Electronic Media for broadcast / telecast by political parties, checking criminalization of politics, computerization of electoral rolls, providing electors with Identity Cards, simplifying the procedure for maintenance of accounts and filling of the same by candidates and a variety of measures for strict compliance of Model Code of Conduct for providing a level playing field to contestants during the elections.

**The Election Commission of India with a view to reform electoral process** has taken some more initiatives recently, which are as follows:

### 1. Requirement of publishing details of candidates with pending criminal cases

In pursuance of the directions given by the Honourable Supreme Court in its order dated 13.02.2000 the Commission after due consideration has directed that all political parties, that set up candidates with criminal antecedents, either pending cases or case of past conviction shall scrupulously follow each of the directions given by the Honourable Supreme Court in its judgement in all future elections to the Houses of Parliament and State Legislatures.

## 2. **Optional Postal Ballot facility for Absentee Voters**

Rule 27A of the Conduct of Election Rules, 1961 has been amended vide Notifications dated 22.10.2019 and 19.06.2020. By the said two Amendments, “Absentees Voters” have an option entitled to vote by postal ballot. “Absentee Voter” has been defined in Clause (aa) of Rule 27A of the Conduct of Election Rules 1961, and includes person who is employed in essential services, senior citizens, persons with disability, and COVID 19 suspect or affected persons. The category of essential service is notified by the Election commission under Section 60(c) of the RP Act, 1951 in consultation with the Central Government.

## 3. **Optional facility of online data entry of personal details by candidates in Nomination Form and Affidavit**

In order to move forward in the way of Digital India and to minimise scopes of mistakes in Nomination Form and the Affidavit (Form 26), the Commission has provided an optional facility to the candidates for online data entry of personal details in nomination form. This facility is available for the candidates through the Election Commissions Suvidha Portal (<https://suvidha.eci.gov.in>)

## 4. **Requirement of publishing details of candidates with criminal antecedents contesting election**

In pursuance of the Honourable Supreme Court’s judgement in the matter, the Commission has issued instructions for publishing details of criminal antecedents of the contesting candidates by the political parties and the candidates themselves. Various formats for publishing such details have also been devised by the Commission.

## 5. **Eco-friendly Elections**

Commission has been asking all the political parties and instructed to take adequate steps and measures to not use single-use plastic as campaign materials (Posters, banners etc.) during the elections in the interest of human health and environment.

## 6. **Four qualifying dates for enrolment in the Electoral Rolls:**

The law has been amended to provide four qualifying dates for enrolment in 'the electoral roll'. Now any citizen turning 18 years as on 1<sup>st</sup> January, 1<sup>st</sup> April, 1<sup>st</sup> July or 1<sup>st</sup> October can file his claim for enrollment in any quarter of the year.

#### 7. Free time on DD & AIR to political parties to propogate the policies:

Commission notified a scheme for use of Government owned Electronic Media by political parties, on 16<sup>th</sup> January, 1988, which also holds a statutory basis under Section 39A of the R.P. Act 1951 which provides free time in Doordarshan and All India Radio. Recently, the Commission has amended the existing scheme by introducing a provision to issue digital time vouchers through an Information Technology (IT), platform. With this facilitation, the political parties will not be required to send their representatives to EC/CEO offices for collection of the time vouchers physically during elections.

## CONCLUSION

India is a large and diverse country with different cultural, social and religious background. India is a Union of States. India is a socialist, sovereign and democratic republic. India is the largest democracy in the world. The Indian Constitution has given powers to the Election Commission of India (ECI) the superintendence, direction and control of the entire process of conducting elections to the Parliament and Legislatures of every State and to the offices of President of India and Vice-President of India. The ECI is a permanent Constitutional body. Various electoral reforms have been suggested by various committees to make the election process, free, fair, impartial and transparent elections, free from muscle power, money power, corruption, criminalization of politics, inclusiveness, casteism, communalism, no moral values in politics, integrity, non-serious independent candidates, use of government owned electronic media for broadcast by political parties, computerization of electoral rolls, giving electors identity card, strict compliance of Model Code of Conduct for a level playing field to contestants during elections, snatching of ballot papers and stuffing them in ballot boxes, booth capturing, voters intimidation etc. The efforts of the ECI are commendable in conducting elections in a large and diverse country. The efforts of the people in co-operating in conducting peaceful elections, is appreciated.

## REFERENCES

**JOURNALS**

1. Kumar V. (2020), “Electoral Refors in India: Needs, Issues and Challenges”, International Journal of Political Science and Governance, Vol.2, Issue 2, pp 04-09.
2. N.F. Md. (2019), “Electoral reforms in India : An analysis”, International Journal of Political Science and Governance, Vol.1, Issue 1, pp 43-45.
3. Dutta B.M. (2018), “Electoral Reforms in India : A Look Back and A Way Forward”, Turkish Journal of Computer and Mathematics Education, Vol.09, Issue 01, pp 400-407.
4. Kumar R (2017), “Electoral Reforms in India”, Amar: An Inter-Disciplinary Research Journal, Vol.3, Issue 3, pp 95-99.
5. Yasin Mohd, Yadav S. (2024), “Issues Related to Electoral Reforms in India”, Journal of Emerging Technologies and Innovative Research, Vol.II, Issue 5, pp 769-780.
6. Neelima K. (2017), “Electoral Reforms in India : Perceptions of Supreme Court and Law Commission”, Amity International Journal of Judicial Sciences, Vol.3, pp 66-74.
7. Mallappa N. (2024), “A Study on Electoral Reforms and Their Effectiveness in Enhancing Democratic Participation in Indian Context”, International Journal of Research Publication and Reviews, Vol.5, Issue 7, pp 1141-1150.
8. Ubale S., Shedge V. (2022), “Electoral Reforms in India, Issues and Challenges Before The Election Commission”, Vishwakarma University Law Journal, Vol.II, pp 1-18.

**BOOKS**

1. Ambedkar B.R. (2024), ‘The Constitution of India’, J B International, Agra.
2. Pylee M.V. (2022), ‘India’s Constitution’, S.Chand Publishing, New Delhi.
3. Upadhyaya A.S. (2005), ‘Electoral Reforms in India’, Concept Publishing Company Pvt. Ltd., Delhi.
4. Reddi A.E., Ram D.S. (1992), ‘Electoral Reforms in India’, Uppal Publishing House, New Delhi.
5. Pillai K.R., Suresh Kumar R.K., Nair, P.S. (2013), “Electoral Reforms”, Kalpaz Publications, New Delhi.
6. Kashyap S.C. (2024), ‘Constitution of India’, Vitasta Publishing Pvt. Ltd., New Delhi.
7. Sharma B.K. (2022), ‘Introduction to the Constitution of India’, PHI Learning Pvt. Ltd., Delhi.
8. Venkatesh K.B.(2009), ‘Electoral Reforms in India Current Discourses’, Rawat Publications, Jaipur.

**WEBSITES**

<https://www.drishtias.com>

<https://vajiramandravi.com>

<https://byjus.com>

testbook.com

<https://www.vedanta.com>

<https://www.ggdckeshiary.ac.in>

