



ANALYZING THE ISSUES OF ELECTORAL POLITICS AND ELECTORAL REFORMS IN INDIA

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The heart of India's democratic system witnesses in regular elections with participation of the largest electorate in the world. To safeguard the core values of democracy in this dynamic scenario, it is imperative to have a free and fair electoral process with the greater participation of citizens. But the blemish of corrupt practices of our electoral process. Today, the question of electoral reforms arises due to growing deterioration in electoral politics and there is a need to strengthen the electoral system of our country. As rightly said that the democracy is based upon the conviction that there are extraordinary possibilities in ordinary people, Election is the key feature of the same. The right to Vote though is just a legal right at first instance but there are number of facets which form an integral part of the electoral system. India, the largest democracy is possessing good electoral system endorsed by the Constitution of India and reforms in the same which are happening almost at every required point are strengthening the system to the maximum extend. There is something wrong in the Electoral process. Here I have indicated the total happenings in the present day's Electoral exercise and also suggested some remedies for the betterment of the Electoral system. This has been amongst the most widely discussed electoral reforms in India. Multi-cornered contests have become a norm in India rather than an exception due to the increase in the number of smaller and regional parties. Electoral reform is a critical aspect of the democratic process, influencing the dynamics of electoral politics. This abstract explores the intricate relationship between electoral reform and the evolving landscape of electoral politics. It delves into the motivations behind electoral reforms, including efforts to enhance representation, transparency, and voter engagement. The impact of reform measures on the behavior of political parties, candidates, and voters is examined, shedding light on the evolving strategies within the electoral arena. Additionally, the abstract discusses challenges associated with implementing electoral reforms and the potential for such reforms to strengthen democratic institutions. In this paper the attempt has

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been made to highlight the total happenings in present day electoral exercise and suggested some remedial measures for the electoral system of India.

Keywords: *Democracy, elections, corrupt, electoral system, political party and election commission*

INTRODUCTION:

One of the most important features of our democratic framework is 'elections' which are held at a systematic period. The Electoral system is an official decision-making process where citizens select candidates to hold public office. The purpose of electoral reforms is to introduce a free and fair electoral system for accompanying impartial elections. Elections are the backbone of our democratic system that confers the right to elect our representatives and such a system of governance is expected to ensure the welfare of the common masses. Political parties are indispensable in parliamentary democracy, and the elections in India have a long history; it has election system at three levels; central, state and local elections as promoted by our federal structure. Elections are the most important and integral part of politics in a democratic system of governance. While politics is the art and practice of dealing with political power, election is a process of legitimization of such power. Democracy can indeed function only upon this faith that elections are free and fair and not rigged and manipulated, that they are effective instruments of ascertaining popular will both in reality and in form and are not mere rituals calculated to generate illusion of difference to mass opinion, it cannot survive without free and fair elections. The election at present are not being hold in ideal conditions because of the enormous amount of money required to be spent and large muscle power needed for winning the elections. While the first three general elections (1952-62) in our country were by and large free and fair, a discernible decline in standards began with the fourth general election in 1967³. No such events were reported till the fourth general election. Over the years, Indian electoral system suffers from serious infirmities. The election process in our country is the progenitor of political corruption. The distortion in its working appeared for the first time in the fifth general elections, 1971. and multiplied in the successive elections especially those held in eighties and thereafter⁴. Some of the candidate and parties participate in the process of elections to win them at all costs, irrespective of moral values. Even this support is usually earned not by doing some constructive work for the concerned group but negatively by bad-mouthing others and all the time pitting one group against the other⁵. The resultant divided vote has made it increasingly difficult for single parties to get a workable majority to form a government at the centre, In order to cobble up a workable majority to form governments, compromises have had to be made and all ideology or notions of quality of governance have disappeared from the scene. This has had a very negative repercussion on the quality of governance with several consequences. Corruption has flourished, law and order has suffered and control mechanisms have broken down or become very loose. The common citizen has been the victim of all resultant misgovernance.⁶

AIM AND OBJECTIVES :

- The primary aim of this study is to critically analyze the major issues affecting electoral politics in India and to evaluate the effectiveness and adequacy of electoral reforms undertaken to strengthen democratic processes. The study also seeks to provide recommendations for ensuring free, fair, transparent, and inclusive elections in India.
- To examine the constitutional and legal framework governing elections in India, including the role of the Election Commission of India, Representation of the People Acts, and relevant judicial pronouncements.

³shukia, subash(2008),Issues in indian politics, new delhi, amnamika publishers, p.219.

⁴ Kaur, Amanleep (2009). Electoral Reforms in India: Problems and Needs (1989-2009), Chandigarh: Unistar Publication, p.35

⁵ Supra Note 4. P.128.

⁶ Panandikar. VA. Pai and Kashyap, Subhash C. (2001). Political Reforms: Asserting Civic Sovereignty New Delhi

- To assess the effectiveness of the Election Commission of India (ECI) in conducting free and fair elections and addressing electoral malpractices.
- To compare India's electoral reform measures with international best practices in selected democratic countries, and identify potential areas for improvement.
- To recommend legal and institutional reforms aimed at enhancing electoral transparency, accountability, and public trust in democratic institutions

RESEARCH METHODOLOGY :

This study is qualitative, doctrinal, and analytical in nature. It aims to examine the multifaceted issues of electoral politics in India and critically analyze the legal and institutional reforms that have been introduced or proposed to address them.

ELECTION COMMISSION:

Since its inception in 1950 and till 15 October 1989, the election commission was a one-member body with only the Chief Election Commissioner (CEC) as its sole member.

- On 16 October 1989, the voting age was changed from 21 to 18 years. So, two more election commissioners were appointed by the president in order to cope with the increased work of the election commission.
- Since then, the Election Commission was a multi-member body that consisted of 3 election commissioners.
- Later on, the two posts of election commissioners were eliminated in January 1990 and the Election Commission was reverted to the previous position.
- This was repeated again later in October 1993 when the president appointed two more election commissioners. Since then, the Election Commission functions as a multi-member body comprising of 3 commissioners.
- The chief and the two other election commissioners have the same powers and emoluments including salaries, which are the same as a Supreme Court judge.
- In case of a difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, the matter is decided by the Commission by a majority.
- The office is held by them for a term of 6 years or until they attain 65 years, whichever happens first. They can also be removed or can resign at any time before the expiry of their term.

ISSUES IN ELECTORAL POLITICS IN INDIA:

Indian democracy is facing many problems and challenges in conducting free and fair elections. It is important to understand the issues to implement better Electoral Reforms in India. The election at present are not being held in ideal conditions because of the enormous amount of money required to be spent and large muscle power needed for winning the elections. The major defects which come in the path of electoral system in India. No matter how strong the Indian electoral system is, it must face many challenges. The major problems which come in the way of electoral process in India are:

- money power
- muscle power
- criminalization of politics
- Misuse the government machinery
- Lack of moral values
- communalism
- Casteism
- Freebies in the election
- Paid news and fake news

Money power:

Money power plays a very destructive role in working of periodic elections. It leads to all-round corruption and contributes mainly to the generation of black money which rules our country at present. A prospective candidate in each constituency must spend millions of moneys on transport and publicity.

Muscle Power:

Violence, pre-election intimidation, post-election, victimization, riggings, booth capturing are mainly the products of muscle power. powerful gangsters have shown that they can convert their muscle power into votes often at gun point. These are prevalent in many parts of the country and this disease is slowly spreading throughout India. By using violence, the criminals can achieve success at elections for their benefactors. and this cancerous disease is slowly spreading to south like in Andhra Pradesh, Criminalisation of politics and politicalisation of criminals, freely indulged in now, are like two sides of the same coin and are mainly responsible for the manifestation of muscle power at elections.

Misuse of Government Machinery:

It is generally observed that governments in power at the time of election misuse the official machinery to further the election prospects of its party candidates. The misuse of official machinery takes different forms, such as issue of advertisements at the cost of government and public exchequer highlighting their achievements, disbursements out of the discretionary funds at the disposal of the ministers, use of government vehicles for canvassing etc. The misuse of official machinery in this way gives an unfair advantage to ruling party at the time of elections which leads to misuse of public funds for furthering the prospects of candidates of a particular party.

Criminalization of Politics:

Number of criminals in the field sponsored by every party. Political parties tap criminals for funds and in return provide them with political patronage and protection. Rough estimates suggest that in any state election 20 per cent of candidates are drawn from criminal backgrounds. Voters in many parts of the country are forced to vote for the local strongman. Tickets were given to the candidates with criminal records even by the National Party. During the election period, newspapers are usually full of information about the number of criminals in the field sponsored by every party. The reason of the criminals behind entrance to politics is to gain influence and ensure that cases against them are dropped or not proceeded with. They are able to make it big in the political arena because of their financial clout. Political parties tap criminals for fund and in return provide them with political patronage and protection. Our politics have been corrupted because the corrupt and criminals must enter it, criminalization of politics.

Casteism:

Many political parties in India are lending strong support from certain caste groups resulting in struggle among political parties to win different caste groups in their favor by giving offers to them. Political parties determine policies and programme as well as the nomination of electoral candidates on caste considerations at all levels. Candidates are therefore selected not in terms of accomplishments, ability and merit but on the appendages of caste, creed and community. Ultimately caste becomes the deciding factor on selection of candidate. Although there is hardly any instance in India of a political party being totally identified with any particular caste group, yet there are cases of certain castes lending strong support to particular political parties. Thus while political parties struggle among themselves, to win different caste groups in their favour by making offers to them, caste groups too try to pressurize parties to choose its members for candidature in elections, If the caste group is dominant and the political party, is an important one, this interaction is all the more prominent⁷. In many political parties, in place of ideological polarization there occur the determination of policies and programmes as well as the nomination of electoral candidates and the extension of support to them on caste

⁷ Konark Publishers, p. 325.

consideration. Caste dominates the political field, especially at the lower level⁸. The emergence of regional parties and the „withering away of national outlook and spirit“ thus sets off another crisis. Candidates come to be selected not in terms to accomplishments, ability and merit but on the appendages of cast

Lack of Moral Values:

Some politicians only enter such a political race to make money and to retain their money and power for self-satisfaction. We can't find Gandhian values of service and sacrifice among them for the betterment of society. In the process, both the politicians and political parties have lost their credibility, the ultimate value that should bind them with the masses. There seems to be a crisis of character amongst the politicians, as the system does not encourage the honest leader. Because of the falling moral standards both in the public and criminalisation of politics and politicization of criminals has become the norm. Due to degeneration of leadership, parties have been entangled in power struggle for the sake of personal ends⁹. In a moral pursuit of power politics, every major player seems to be playing a no holds barred game. The Gandhian value of the spirit of service to the nation has become completely extinct from the present day politics. The money and muscle powers are the basic evils that pollute and defile the process and motivate participants to resort to mal practices in elections. This leads to the decline of moral values in the arena of electoral politics. Radical measures- legislative administrative and reformatory are needed to stem the root that is eating vitiate of the democratic process. A game can be fair only if the players are honest and true to its spirit.

Freebies in the Election:

Providing free liquor or some goods to voters is done to appeal to the voters.

Paid News and Fake News:

Paid news is imprinted as a news item in the way of advertisement. Social media also transmits fake information. The reason of the criminals behind During election period, newspapers are usually full of information about the entrance to politics is to gain influence.

Communalism:

Politics of communalism and religious fundamentalism in the post-independence period has led to several separate movements in various states and regions of the country. Communal polarization has posed a threat to the Indian political ethos of pluralism, parliamentarianism and federalism. Despite the adoption of principle of secularism as a constitutional creed, the spirit of tolerance that is essential for a secular society seems to have completely vanished from the body politics of India¹⁰. The dynamics of national and state politics of the last decade are a mute witness of the clashes and conflicts between the so-called secularist and the communalists¹¹. Unfortunately, there is a tendency to play upon caste and religious sentiments and field candidates in elections with an eagle eye on caste equations and communal configurations.

ELECTORAL REFORM:

In India, the term electoral reforms in India refers to the evolution and modification of the electoral system. The Electoral Reforms seek to promote clean politics, free and fair elections, and ideal legislators. It contributes to making Indian democracy a true democracy in both letter and spirit. The Indian Constitution's Articles 324 to 329 cover elections and the electoral process. Elections in India are now significantly safer for candidates and voters thanks to election reforms.

⁸ JO. "Review of the Working of Political Parties Specially in Relation of Elections and Reform Options ", Consultation

¹⁰ Agarwalla. Shyam Sunder (1998). Religion and Caste Politics, Jaipur: Rawat, p. 118.

¹¹ Prakash. Chandra (1999). Changing Dimensions of the Communal Politics in India, Delhi : Dominant Publishers; see

Objectives of Electoral Reforms:

- Electoral reforms strive to ensure that elected bodies reflect the diversity of the population, providing fair representation to different demographic groups.
- By addressing issues such as campaign financing and transparency, reforms aim to hold candidates and political parties accountable for their actions and decisions.
- The overarching goal of electoral reforms is to strengthen democratic institutions, fostering public trust and participation in the political process.
- Reforms often include measures to minimize electoral fraud and corruption, safeguarding the integrity of the electoral process.
- Electoral systems need to adapt to evolving societal norms and demographics. Reforms ensure that electoral processes remain relevant and responsive to changing dynamics.

ELECTORAL REFORMS IN INDIA BACKGROUND

India's electoral reforms are evidence of the development and the adjustments made to the election procedure to support fair competition, the use of clean politics, equal representation, etc. India's electoral reforms can be separated into two key stages-

- Electoral Reforms in India before 2010
- Electoral Reform in India after 2010

Electoral Reforms in India Before 2010

Lowering of the Voting Age: The Lok Sabha and assembly elections' voting age was lowered from 21 to 18 years old by the 61st Constitutional Amendment Act of 1988.

Deputation to Election Commission: In 1988, a rule was established that stated that officials and personnel working on the creation, revision, and correction of electoral rolls for elections would be deemed to be on deputation to the Election Commission for the duration of their employment.

Increase in Proposers : In 1988, there was a rise in the number of candidates running for election to the Rajya Sabha and Legislative Councils.

Electronic Voting Machines (EVM): In 1989 law made it possible to employ EVMs in elections. In the 1999 general elections (statewide) for the Goa Assembly, the electronic voting machines (EVMs) were utilised for the first time.

Booth Capturing: In 1989, a provision was introduced for the postponement of elections or their countermanding in the event of booth capturing.

Elector's Photo Identity Card (EPIC): The Election Commission is undoubtedly accelerating the electoral process by using electors' photo identity cards. The Election Commission decided to provide photo identification cards to voters nationwide in 1993 to prevent fraudulent voting and voter impersonation during elections.

Liquor sales are prohibited: During the 48 hours leading up to the hour set for the poll's conclusion, no liquor or other intoxicants may be sold, given or distributed in any store, restaurant or other location, whether private or public. A conviction for violating the National Honours Act of 1971 disqualifies a person from running for office in the Parliament or state legislatures for a period of six years.

Electoral Reforms in India After 2010:

The Commission has set a limit on the amount of money that can be spent in elections. It ranges from Rs. 50 to 70 lakh for the Lok Sabha elections (based on the state from which they are running), and from Rs. 20 to 28 lakh for an assembly election.

Limitations on exit polls: Prior to the 2019 Lok Sabha elections, the EC released a statement stating that exit poll findings could only be broadcast after the conclusion of the election's final phase. To prevent potential voters from being misled or prejudiced in any way, this was done.

Voting by postal ballot: Across 2013, the EC voted to broaden the scope of voting by postal ballot across the nation. Prior to this, only Indian diplomats serving overseas and a small number of defence personnel could cast postal ballots. Service voters, special voters, wives of service voters and special voters, those subject to preventive detention, people on election duty, and Notified voters are the six groups of voters who can now use the postal ballot..

Raising Awareness: To commemorate the foundation day of the EC, the government chose to honour January 25 as "National Voters Day." To be eligible for an income tax break, political parties must report to the EC any contributions that exceed Rs 20,000. Candidates must disclose their criminal histories, financial situation, and other information. Additionally, it is now illegal to give false information in an affidavit and is punishable by up to six months in prison, a fine, or both.

The creation of NOTA: None of the above (NOTA) is a ballot choice that enables voters to express their dislike of each and every candidate in a voting process. Following the 2013 Supreme Court ruling in the case of People's Union for Civil Liberties v. Union of India, it was implemented in India. However, India's NOTA does not grant the "right to reject." Regardless of the number of NOTA ballots cast, the candidate with the most votes wins the election...

Voter verifiable paper audit trail (VVPAT) introduction: VVPAT is a technique for providing feedback to voters using electronic voting machines. A VVPAT is meant to be an impartial system of verification for voting machines that enables voters to check that their vote was cast accurately and to audit the results that have been electronically stored. It includes the candidate's name for whom the vote was made as well as the party or candidate's symbol.

Electoral bonds : A transparent method of financing elections In January 2018, the government enacted the Electoral Bond Scheme in an effort to purge the current political sponsorship culture. An electoral bond is intended to be a bearer document, much like a promissory note; in essence, it will resemble a bank note that is interest-free and payable to the bearer immediately.

POLITICAL RIGHTS:

Political rights encompass a wide range of entitlements that enable individuals to actively participate in political processes. They include the right to vote, freedom of speech, association, and assembly, among others. These rights are essential for the functioning of a democratic society, as they empower citizens to express their opinions, contribute to policy-making, and hold their elected representatives accountable.

HISTORY OF POLITICAL RIGHTS

- In ancient civilizations like Greece and Rome, political rights were limited to a privileged few. Only a small portion of the population had the right to take part in decision-making.
- The Magna Carta, signed in England in 1215, was an important milestone in the history of political rights. It established the principle that even the king was subject to the law. It also introduced the concept of due process.
- During the Enlightenment period in the 17th and 18th centuries, philosophers like John Locke and Jean-Jacques Rousseau emphasized the natural rights of individuals. This included the right to take part in the political process.
- The American Revolution led to the establishment of the United States as an independent nation. The Declaration of Independence in 1776 proclaimed that all men are created equal. This marked a significant step towards recognizing political rights for a broader segment of society.

- The French Revolution aimed to overthrow the monarchy and establish a democratic system. The Declaration of the Rights of Man and of the Citizen, adopted in 1789, proclaimed the equal rights of all citizens before the law.
- Throughout the 19th and 20th centuries, suffrage movements emerged worldwide. They advocated for the right to vote for all citizens.
- Universal suffrage refers to the right to vote for all adult citizens. This became a widespread principle in many democracies during the 20th century. It aimed to ensure equal political rights for all individuals.
- Despite progress, political rights continue to be a subject of struggle and activism in many parts of the world.

Right to Vote:

In a democratic state, every adult citizen is given the right to vote. By the use of this right, citizens elect the government of their choice. This right is given only to adults i.e. persons above a particular age 18 years or 21 years.

Right to get elected:

In a democratic state every citizen is also given the right to get elected to any public office. He can get elected to a legislature, or municipal corporation/ municipal committee or panchayat and work as its member. Some qualifications are however fixed for seeking election.

Right to Hold Public Office:

Citizens also have the right to hold public offices after getting elected as representatives of the people. While fixing qualifications, no discrimination is made and proper care is taken that only competent persons may get elected.

Right to Petition:

Citizens have the right to petition and they can send applications individually or collectively to the authorities for the redress of their grievances.

Right to Form Political Parties:

In every democratic state; people have the right to form their political parties and to participate in the political process through these.

Right to Criticise:

In a democratic state citizen also enjoy the right to criticise the politics of the government. It is through the exercise of this right that the government is made responsible.

Right to oppose the Government:

Citizens of a democratic, like India, have the right to oppose the government when it may fail to protect their interests. However such a resistance has to be peaceful and by constitutional means. All these civil, economic and political rights are granted and guaranteed by the state, in fact by a democratic state, to all its citizens without any discrimination.

SUGGESTIONS:

- The Election Commission must have independent staff of its own so that efficiency and impartiality in the electoral process can be maintained.
- The election commission may change the election type of proportional representation.
- The Election commission, which is an autonomous constitutional body should not work under the pressure of Executive and legislative body.
- Political corruption should be stopped by providing funds to genuine candidates through political parties whose account should be auditable. Candidates involved in corruption should be disqualified.
- The 'First Past the Post System', in which a person with the highest votes (even with one extra vote) is declared winner, needs to be changed. Rather, a minimum percentage of total votes polled can be fixed for declaring a candidate as the winner. This could restrict the criminals from getting elected as not everybody in a constituency votes on party lines
- For having a true and real democracy the registration and recognition of political parties should be fair and without any kind of influence and pressure.
- Mass Media should play a non-partisan role in elections and as a safeguard of democracy.
- Every voter must be perfectly free to vote without any fear of consequences and without being unduly influenced by anybody.
- Election expenses of each contesting candidate are fixed by Election Commission of India and should be keenly observed the same during election campaign, so that the corruption and electoral violence could be eradicated.
- Strictly apply the model code of conduct and punish those who violate it. Prompt action should be taken by the judiciary, if any kind of violation is detected during elections.
- NOTA option in the electronic voting machines; the option of "None of the above" should always be there on the Electronic Voting Machines to protect the identity and right of the voters
- It is suggested to Election Commission of India to link UIDAI (Aadhar) card along with attestation of biometric traits of voters at the time of voting should be made compulsory for exercising votes; this will prevent fake and proxy voting.
- VVPAT- Voters verifiable audit trail is a method that provides feedback to voters. It is an independent verification printer machine and is attached to electronic voting machines.

CONCLUSION:

An election is the mark of success for democracy. Free and fair elections guarantee electorates the freedom to voice their opinions without any subjugation. Electoral reforms have guaranteed fair elections thereby ensuring transparency and credibility of Indian democracy. Maintaining the sanctity of electoral process requires a multi-pronged approach, including removing criminal elements and moneybags in politics, disposing poll petitions, introducing internal democracy and financial transparency in the functioning of the political parties. Free and fair Election process is a foundation of healthy democracy. The Democratic future of India depends upon healthy political environment, and to protect it free and fair election process is inevitable. The entry of criminals in election must be restricted at any cost. A number of commissions and committees have examined the issue of criminalization of politics however; the problem is increasing day by day. The parliament has taken efforts by amending the laws but the exercise has proved futile. In democracy the public is most powerful entity. If the public do not vote in favour of criminals, dishonest and corrupt politicians 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 criminalised political system. So, though the EC is working hard in this direction, but it cannot succeed unless all political parties and voters realize their responsibility.

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