

Effect of Election Commission on Electoral Reforms and Political Parties In Indian Democracy



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Abstract

One of the most important features of a democratic polity is elections at regular intervals. Elections constitute the signpost of democracy. The attitudes, values and beliefs of the people towards their political environment are reflected through these medium. Elections grant people a government and the government has constitutional right to govern those who elect it. Elections are the central democratic procedure for selecting and controlling leaders. Elections provide an opportunity to the people to express their faith in the government from time to time and change it when the need arises. Elections symbolize the sovereignty of the people and provide legitimacy to the authority of the government. Thus, free and fair elections are indispensable for the success of democracy. Free and Fair Election is a mandate given by our Constitution for a Parliamentary Democracy. The word 'Democracy' coined in the preamble can be realized if we have the content of free, fair and effective election process in our system. Only free and fair elections to the various legislative bodies in the country can be guarantee the growth of a democratic polity.

India is the largest Democracy in the World but we feel that due to certain reasons, Democracy is not working properly. So, now the researchers feel that why this largest Democracy is not working properly? There is something wrong in the Electoral process. Here I have indicated the total happenings in the present days 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. There have been cases in the state assembly elections where a candidate has been declared winner with the victory margin of less than 100 votes. Apart from this anomaly, in most cases, a candidate wins the election by securing just 30-35 per cent of the total number of votes polled. Hence he or she cannot be deemed to be a choice of majority of the electorate. To overcome this limitation, the first-past-the-post system should be replaced with a two-stage electoral process. In this, a second round of election will be held if none of the candidates in the fray is able to get 50 per cent of the total number of votes polled in the first round. The two candidates who have obtained the maximum number of votes in the first round will fight in the second round. Whoever between the two gets more than 51 per cent of the total votes polled in the second round is declared the winner.

Keywords: Elections, Electoral Reforms, Political Instability, Hung Parliament and Assemblies, Money Power, Election Commission, Political Parties, Indian Democracy.

Introduction

India has the distinction of being the largest democracy of the world. The size of Indian elections is overwhelming. Around 23.1 million or 2.7% of the total eligible voters were first time voters (18-19 years) in 2014. A total of 8251 candidates contested for the 543 Lok Sabha seats. It was conducted in 9 phases and the voter turnout 66.38% was the highest ever recorded in the history of Indian General Elections. The nation spent Rs. 3426 crores to conduct the Lok Sabha polls. 81.45 crores of Indians were on the eligible voters list. 55.1 crore voters exercised their franchise. About 9,30,000 polling stations were set up all over the country. The ballot boxes were sealed on May 12, 2014 for the last time and the results were declared on May 16, 2014. 10 million officials (including police security)

were deployed to conduct the elections. The sheer size of the work force involved in the elections is greater than the population of most countries in the globe. It is to the credit of India that it has successfully conducted 16 elections to the Lok Sabha and several to the states since independence.

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 held 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 1967. 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 thereafter. Some of the candidate and parties participate in the process of elections to win them at all costs, irrespective of moral values. The ideal conditions require that an honest, and upright person who is public spirited and wants to serve the people, should be able to contest and get elected as people's representatives. However, in fact, such a person as previously mentioned has no chance of either contesting or in any case winning the election.

India today is considered as the largest democratic country in the world. The success of democracy in India has attracted the attention of almost everyone around the world. "Conventional wisdom has it that India is the world's largest democracy, but few have recognized that it is so against the odds".¹ For more than six decades democracy in India has succeed against considerable odds. Many factors seem to have contributed to the success of democracy in India over the last 67 years. Periodic national and assembly elections, under the supervision of Election Commission of India, are a strong indicator of the success of a functioning democracy. During these decades the elections have been by and large free and fair. There has been peaceful transfer of power from one political party to another. This is a crucial test for the functioning of liberal democracy.

"Democratic institutions and practices came to be more firmly rooted in Indian politics in the era of periodical elections based on adult franchise" writes Rajendra Vora and Suhas Pulsikar adding that "Democracy has evolved in independent India basically through representative politics, mobilization

of masses and power-sharing".² Democracy rests on the will of the people that is manifested more effectively at the time when representatives of the people are selected or elected. In a representative type of democracy, will of the people is temporarily transferred to their representatives for a specific period of time, with the consent of the people. Montesquieu wrote in 1748 that since it was not possible in a large state for the people to meet as a legislative body, they must choose representatives to do what they could not do themselves.³

The representatives are selected by holding regular elections. Modern representative democracy would not be possible without periodic elections. In fact, the very idea of representative system cannot be conceived without regular elections. Competitive nature of elections is identified as one of the major requirements for functioning democracy.⁴ Elections create a sentiment of popular consent and participation in public affairs and provide for orderly succession in government by peaceful transfer of authority to new rulers.⁵ The Constitution of India has vested in the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.

Review of Literature

The review of literature is given as under:

Annual Report 2016 published by the Election Commission of India.⁶ The Report has been prepared with comprehensive details on all activities of the Commission for the calendar year 2016, along with a brief on the Commission and election machinery. The Commission has undertaken elaborate measures to update and purify the electoral roll of the country with Summary Revisions of both General and Service Voters along with the National Electoral Roll Purification (NERP) activities. Another area where the Commission has worked extensively is to facilitate electors to enroll and to vote. Special enrolment programmes, such as for the Service Voters, by initiating Electronically Transmitted Postal Ballot System (ETPBS), and for PwDs, etc were launched. The Commission has also emphasized the Assured Minimum Facilities (AMFs) for electors in polling stations. Wherever possible, the Commission has ordered the setting up of separate polling stations for women, blind, leprosy patients and so on. Many new initiatives have been undertaken, within the constitutional mandate of the Commission, to bolster integrity in the electoral politics. These include proposing the insertion of Section 58 B in the Representation of the People (R.P.) Act 1951, so that poll may be adjourned on the grounds of bribery of voters, delisting of those political parties that have not set up candidates, making changes in candidates' affidavits by seeking to inform the public on the sources of income, and making provision for disqualification on grounds of public dues. The Commission tightened the expenditure monitoring process by classifying hoardings, flexes and so on under the category of posters so that the penalty

under 127A of the R.P. Act, 1951 will be applicable to them as well.

The Strategic Plan (2016-2025)⁷ has been prepared by Election Commission of India elucidating the following: Vision: It gives an idealized view of where the ECI desires to reach in the future. Mission: This gives the purpose of the ECI and why it does what it does, and for whom and how. Guiding Principles: These list down the values that the ECI stands for or shapes its philosophy. Strategic Pillar: This is the key or priority area of strategic planning which is required to be fulfilled for the overall fulfillment of the mission and vision of the ECI. Strategic Goal: This lists the changes required to be undertaken to cover the journey from where the ECI stands today to where it wants to be in the next 5-10 years. These are nothing but the broad performance targets. Activity: These outline the actions to be taken to achieve the Strategic Goal. Assumptions: These are the pre-requisites which need to be in place for achieving the Goals. Outcomes: These are the expected results of the implementation of the Goals.

Report on social media consultation has been prepared by Election Commission "A committed desire results in a thumping success",⁸ Election Commission of India believes in that. We commit ourselves to ensure a free and fair electoral process. ECI as India's Constitutional body thrives on the success of Indian democracy. Adapting itself according to the changing moulds of time has helped the Commission massively especially when it comes to garnering larger stakeholder participation. Our persistent steps, strategies and initiatives present a glimpse of our character and the earnest effort we put in to pursue our ultimate goal of strengthening democracy. With this aspiration, Election Commission brings to you a document on the Social Media Consultation. This document highlights the varied recommendations given by my esteemed friends from diverse backgrounds on a pivotal issue involving the use of Social Media. I am grateful to them for their effervescent participation and their valuable judgment in contributing towards the said topic. This is a proud initiative and I feel humble to be associated with it. Well done to the Communication Division for successfully compiling this comprehensive document.

Women in Indian Politics" by Kalpna Roy (1999)⁹ explains the value of the word "equality" theoretically as well as practically. This book also gives information about constitutional framework which provides equal status to women with men as per various articles and amendments. The Author also discusses political participation and status of women in Indian politics and has concluded that they have gained minimum power from the parties and they participate in elections only as applicants and voters with less importance than men. Author has also given suggestions for successful running of democratic structure by making sure that women have served in both houses of parliament and in the state legislatures and higher posts etc.

Objective of the Study

The objectives of the study are:

1. Election Commission and the preparation of electoral rolls;
2. Election Commission and model code of conduct;
3. Election Commission on criminalization of politics;
4. Election Commission on inner party democracy;
5. Issues in electoral politics of India like money power, muscle power, misuse of government machinery, criminalisation of politics, non-serious candidates in political parties;
6. Problems of the political instability, hung parliament and assemblies like castism and lack of moral values in politics; and
7. Steps taken by the government regarding election reforms.

Election Commission and the Preparation of Electoral Rolls

To maintain an accurate and up-to-date record of all eligible voters is the essential prerequisite of every functioning democracy, without which no free and fair election can be possible. The electoral rolls being the determinate of whose votes shall form the government are the foundation of modern democracy.

As mandated by Article 324 of the Constitution and Representation of People's Acts, the primary function of the Election Commission is to superintend, direct and control the preparation of Electoral Rolls. Thus, Electoral Rolls of every Constituency, as desired by the Constitution makers, is prepared under the superintendence, direction and control of the Election Commission. The Commission plays an 'activist's role' to root out the bogus voters and enlist the genuine ones as it knows that more than two per cent error makes voter lists unacceptable.

Election Commission and Model Code of Conduct

Model code of Conduct emerged out of a political consensus when in 1968 the Election Commission formulated, in consultation with political parties, the code that was intended to regulate the conduct of political parties and candidates for a healthy and peaceful election campaign. Election Commission of India defines Model code of Conduct as a set of guidelines to govern the conduct of political parties and candidates in the run-up to an election. It is intended to provide a level playing field for all political parties, to keep the campaign fair and healthy, avoid clashes and conflicts between parties, and ensure peace and order. The main aim of the Model Code is to ensure that the ruling party, either at the Centre or in the states, does not misuse its official position to gain an unfair advantage in an election. Unfortunately the code of conduct does not have statutory sanction.

It was T.N. Sheshan who strictly enforced the code after taking over as the Chief Election Commissioner. Before that the code remained just on paper as the Commission did not realise that it had the power to enforce the code. T.N Sheshan forced the parties and candidates to take the EC's code of conduct seriously and succeeded to a good extent in containing violence. Rudolph and Rudolph say that the most visible success of the Election Commission

"has been getting India's parties and candidates comply with its code of conduct".¹⁰

Sheshan's tradition continued and the successive Election Commissioners took serious note of any violation of the code. The present Commission has pulled up a host of politicians, bureaucrats and even a Governor for violating the code. Governor of Bihar, Buta Singh Singh was indicted by a two-member Election Commission team for violating model code of conduct as he made various appointments to constitutional bodies prior to Assembly election in Bihar in 2005.¹¹

Human Resource Development Minister Arjun Singh's announcement about the government's plans for reservation in elite educational institutions for Other Backward Classes was found to be a violation of the model code of conduct. The Commission said this "amounts to new concessions to certain sections of the electorate" in the five states where Assembly elections are being held.¹² R. Natraj, the then Chennai Police Commissioner was ordered to be transferred by the Election Commission in the wake of his praising Tamil Nadu Chief Minister when the model code of conduct was in force.¹³

The Election Commission had issued a notice¹⁴ to Arvind Kejriwal for violation of Para 1(4) of the Model Code of Conduct by making certain statements to the effect of promoting/ abetment of the offence of bribery to the electors in a public meeting held at Mapusa, Bardez taluka, Goa on 08 January, 2017. Kejriwal had, at an election rally in Goa, reportedly appealed to the electors not only to refuse to accept this time Rs 5000/- but ask for Rs. 10000/- when BJP workers come to distribute money in election time, citing price hike and to take new currency notes. The Commission was of the view that the impugned statements fall within the ambit of abetment of offence of bribery as defined in the Section 171 B of IPC and thus violative of MCC. Moreover, for the similar misconduct at the time of the General Election to the Delhi Legislative Assembly in 2015, the Commission had warned him to be careful in future and had also told him to take note of stern action which may be taken against him under the electoral law in case of repeat violation of MCC.¹⁵ In his reply, Kejriwal had made unqualified promise to the Commission that he would not make any appeal to voters/ or make statement of the nature stated above during the period when MCC is in force. The Commission is anguished to note that Kejriwal, Chief Minister of Delhi and a star campaigner of his party and thus expected to conduct in an exemplary manner in election campaigns in a law abiding way for others to emulate, have again violated MCC breaking his assurance to ECI given during Legislative Assembly election of Delhi 2015. Now, therefore, the Election Commission hereby, Censures him for violating the aforesaid provisions of MCC and expects that he shall be more circumspect in his public utterances during election time. He may also note that in case of similar violation of MCC in future, the Commission shall take stern action against him and his party, using all powers available to it including

action under Para 16 A of the Election Symbols (Reservation and Allotment) Order 1968.

Election Commission on Criminalization of Politics

Criminalization of politics and politicization of crime very badly affect social and political life of the people. Presence of criminals in politics, many believe, stands on the way of democracy in India. The National Commission to Review the Working of the Constitution (NCRWC) has also recognized the fact that criminalization has become a worrisome characteristic of India's politics and electoral system. The Commission notes that one possible explanation for the rapid criminalization of the polity is that criminals have understood the mechanics of the electoral process and have themselves become contenders for power. Earlier, politicians used to patronise criminals and provided them protection from the law-enforcement agencies in exchange for the use of their muscle power during elections. Quoting unofficial studies the National Commission cited that in 1996 as many as 39 members of parliament, including four ministers, faced criminal charges, which included murder, rape, dacoity, abduction, assault and breach of peace. An investigation into the record of 500 persons who were candidates in the Lok Sabha elections of 1998 revealed that 72 of them had criminal proceedings pending against them.¹⁶

As per the estimate of G.V.G. Krishnamurthy, the former CEC some 700 of the 4000 odd MLAs in the country are "history-shatters" or had been charged in criminal cases.¹⁷ The former Chief Election Commissioner, G.V.G. Krishnamurthy, strongly pleaded for a new legislation to arrest criminalization of politics and political corruption with an aim that "no law breaker should ever be law maker"¹⁸

The Committee to Review the Working of the Constitution has recommended that candidates convicted of offences with a sentence of six months or more be barred from contesting elections for six years *plus* the length of their sentence, which would mark a change from the existing system where a six year ban might expire before a seven or eight year sentence.¹⁹

The Election Commission taking serious view of the increasing role of criminals in politics gave criminal un-friendly interpretation to Section 8 of Representation of People Act, 1951. The Commission ordered that no convicted person will be allowed to contest elections even if an appeal against the conviction was pending in a high court or the person was on bail. The exception was, however, given to sitting members of Parliament and State Legislatures. Accordingly, the Commission directed the returning officers to obtain sworn affidavits from candidates detailing whether the contestant had ever been convicted, nature of offence, punishment imposed, period of imprisonment and other relevant details. The returning officers were ordered to take note of the new legal position and decide about the validity of the candidature of contestants.²⁰

The Commission also recommended that when a person is accused of serious crimes and a court is *prima facie* satisfied about his involvement in

the crime, he should be kept out of the electoral arena as it would be a reasonable restriction in the interest of the public. And those accused of criminal offences carrying a sentence of five years or more be automatically disqualified from fighting elections.

Election Commission on Inner Party Democracy

The centrality of the parties in a democratic system demands that some policing of their internal process of selecting leaders and representatives should definitely take place which will ensure that the exercise of authority within the party is based on a democratic culture and not an authoritarian one.²¹

India being a democratic country it is only expected that the Political Parties must function in a democratic manner. Political parties are registered with the Election Commission under Section 29A of Representation of People Act, 1951. The registered political parties are granted recognition at the State and National levels by the Election Commission on the basis of their poll performance at general elections according to criteria prescribed by it. Although the Act of 1951 does not specifically mention about the power of the Commission to impose directives for the purpose of establishing inner party democracy of the political parties, the successive Election Commissioners have shown interests to restrict parties from moving away from democratic path. Since parties are so central to the democratic system some policing of their internal process of selecting leaders and representatives should definitely take place. This ensures that the exercise of authority within the party is based on a democratic culture and not an authoritarian one.²²

The former CEC, T.N. Sheshan ordered in 1994 that political parties which had not constituted governing bodies according to their constitution would be derecognized. Later, he realized that the Parliament has not given the EC any power to scrutinize a party's constitution. The Commission, under M.S. Gill issued a direction to all those parties which conduct their internal business in "an entirely undemocratic manner" to ensure that the organisational elections are held regularly as per the party constitution. He, however, ruled out any "interference" by the commission in the internal political process of parties.²³

J.M. Lyngdoh, the former Chief Election Commissioner agrees that a constitutional amendment that would make political parties adopt inner-party democracy could be one of the ways to ensure the effective functioning of democracy in the country.²⁴

To conclude, it must be acknowledged that the Election Commission of India has played a very significant role in conducting periodic elections essential for the survival of Indian democracy. The role of the Commission in recent years has often been perceived as renewed "activism". The previous Assembly election in Bihar is seen as the fairest election held so far in the country. The Election Commission and its special observer K.J. Rao has created conditions for the Dalits and the poor to vote freely and without fear.²⁵

K.J. Rao was appointed as the special observer by the Election Commission to oversee elections in Jammu and Kashmir and Bihar. The main concern of the Commission before Legislative Assembly election in West Bengal was to get to the bottom of "scientific rigging by Left Front".²⁶

However, the Election Commission still have long way to go. The former CEC, M.S. Gill believed that the Commission must "assert its constitutionally guaranteed independence more fiercely than ever" if India is going to hold free and fair elections.²⁷

The Government of India has to act urgently on the 44 recommendations for poll reforms by the Election Commission so that the Commission is equipped to cleanse Indian polity of criminals and corrupt politicians.

In brief, it could be acknowledged that the Election Commission of India has been playing an active role in realizing the dreams and visions of the founding fathers of the Constitution. The role of the Commission in recent years has often been perceived as renewed "activism".

The Commission had initiated various electoral reform measures. It is deeply concerned about criminalization of politics and participation of criminals in the electoral process as candidates. The Commission had gone to the extent of disciplining the political parties with a threat of de recognition if the parties failed in maintaining inner party democracy.

Issues in Electoral Politics of India

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. The major defects which come in the path of electoral system in India are: money power, muscle power, criminalisation of politics, poll violence, booth capturing, communalism, castism, non-serious and independent candidates etc.

Misuse of Caste and Religion for Electoral Gains

This has been the subject for discussion from time to time. The use of religion, caste, community, tribe, and any other form of group identity for electoral gain or for gathering political support should not be allowed and the Representation of the People Act, 1951, be suitably amended to give the Election Commission powers to take deterrent actions against those candidates and political parties who resort to it, such actions should include, but not limited to, disqualifying candidates from contesting elections and de-registering the offending political parties. Political parties should also not be allowed to use overtly religious, caste, community, tribe, and other such expressions and words in their names.

Money Power

Election is an expensive affair in every democratic polity which plays a more vital role in India. Money power plays in our electoral system destructive role affecting seriously the working of periodic elections, It leads to all round corruption and contributes mainly to the generation of black money economy which rules at present our country? A prospective candidate in each constituency has to spend millions of money towards transport, publicity and other essential items of election campaign. In

recent years the election expenses have increased beyond any limits due to the desire on the part of every political party to spend more than their rivals in the fray. The elections were not as costly in 1952 as they have become today.²⁸ Political leaders and workers considered it unethical to work with a desire for any reward. But scenario now has changed. The elections in Indian polity are becoming increasingly expensive and the gap between the expenses incurred and legally permitted is increasing over the years. The observers are watching the system that requires unbelievably enormous expenditure collected through the dubious means by political parties and their candidates. The adoption of planning and of mixed economy with a large amount of control, regulation, licenses, permits and quotas in free India provided enormous opportunities for political corruption and resulted in an unethical nexus between the electoral politics and the business sector of the country. This seems to be continued even today with more disastrous consequences of an overflow of black money into the corridors of political parties despite the liberalized economy induced to the political system of country. Elections in India so far from a common man, only those people can participate in elections as a candidate who has a lot of money, because today vote is not a mean of public opinion. It is being purchased.

Muscle Power

Violence, pre-election intimidation, post election, victimisation, most of the riggings of any type, booth capturing both silent and violent are mainly the products of muscle power. These are prevalent in many parts of the country like Bihar, Western Uttar Pradesh, Maharashtra etc. 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.²⁹ By using of violence, the criminals are able to achieve success at elections for their benefactors.

Misuse of Government Machinery

It is generally complained that the government in power at the time of election misuse 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 the ways mentioned above gives an unfair advantage to the ruling party at the time of elections. This leads to misuse of public funds for furthering the prospects of candidates of a particular party.³⁰

Criminalisation of Politics

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.³¹ Rough estimates suggest that in any state election 20 per cent of candidates are drawn from criminal backgrounds: Mafia dons and other powerful gangsters have shown that they can convert their muscle power into votes often at gun point. Voters in many parts in the country are forced to vote for the local strongman. Tickets were given to the candidates with criminal records even by National Party. All these instances reported time and again show that democracy in India has largely failed to be what it was meant to be because the electoral system has been perverted. Our politics have been corrupted because the corrupt and criminals have to entered it,³² Criminalisation of politics has become an all-pervasive phenomenon. At one time politicians hired criminals to help them win elections by booth capturing. Today, those same criminals have begun entering parliament and the state legislature.

Non-Serious Candidates in Political Parties

In recent years there has been a steady increase in the number of candidates in elections. The number of candidates has swelled due to the participation of Independents. They contest elections light heartedly and lose their deposits. Non-serious candidates are largely floated by serious candidates either to cut sizeable portion of votes of rival candidates or to split the votes on caste lines or to have additional physical force at polling station and counting centers. The multiplicity of candidates causes inconvenience to election authorities in the management of elections. The voters are also handicapped in identifying the candidates of their own choice. This affects the sanctity of elections. This onslaught of non-seriousness has to be halted.

Regulating Political Parties

It is a desirable objective to promote the progressive polarization of political ideologies and to reduce less serious political activity. The Election Commission should progressively increase the threshold criterion for eligibility for recognition so that the proliferation of smaller parties is discouraged. There are more than 1600 political parties registered with the ECI, however, only a few ever contest elections. ECI should be authorized to de-register such parties, which do not contest elections.

Problems of the Political Instability, Hung Parliament and Assemblies

There has been a great deal of political instability during the last decades. The result has been unstable administration and unstable policies, the hallmark of minority governments. The reasons are not far to seek. The Westminster Model adopted by us, works mainly on the basis of a limited number of political parties. In the United Kingdom, there are only two major political parties. Contrarily in India, politicisation at ground level coupled with a highly fragmented society, has given rise to a multiplicity of political parties. Each one of these exists not on a different ideology or economic programme, but on the basis of having nursed a narrow parochial, mostly

caste or religion based, identity for itself and its band of followers. 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 other. 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 misgovernance³³. This situation has generated its own debate and suggestions have been made to limit the number of political parties as well as independent candidates that are allowed to contest for national elections.

Castism

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 prominent. 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 consideration. Caste dominates the political field, especially at the lower level.³⁴ 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 caste, creed and community. Ultimately caste becomes the deciding factor on selection. Caste based politics and castism are eroding the "unity" principle in the name of regional autonomy.

Communalism

The emergence of India as a "secular" state, the politics of communalism and religious fundamentalism in the post independence period has led to a number of separate movements in various states and regions of the country. Communal polarization, rather multi-polarization, has posed a threat to the Indian political ethos of pluralism, parliamentarianism and federalism. Despite the adoption of the principle of Secularism as a constitutional creed, which ironically allows communal parties to compete, the trend towards communalism and fundamentalism in Indian politics have been growing day by day. The spirit of tolerance that is essential for a "secular" society seems to have

completely vanished from the body politics of India. The dynamics of national and state politics of the last decade is a mute witness of the clashes and conflicts between the so-called. Secularist and the communalist. Although a comprehensive constitutional amendment Bill (80th Amendment Bill) and Representation of the People (Amendment) Bill 1993 were introduced to de-link politics from communalism, castism, and languism etc. by the minority Government, these could not pass through the Parliament.³⁵ Caste and religion have in recent years emerged "as rallying points to gain electoral" support. Unfortunately there is a tendency to play upon caste and religious sentiments and field candidates in elections with an eagle eye on the caste equations and communal configurations.

Lack of Moral Values in Politics

There has been very sharp erosion in the ideological orientation of political parties. Party dynamics in India has led to the emergence of valueless politics much against the ideals of the father of the nation, Mahatma Gandhi, who suggested that the Congress party should be disbanded after the achievement of Independence and its members should engage themselves in the service of the people. While Gandhi taught us tremendous selflessness, self sacrifice and service, to the people, such inspirational values, the democratic norms and institutions have been destroyed systematically over the last years of the working of the Constitution. 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 among the leaders, 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 ends. 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.

Steps Taken by the Government

The reports of various EC and a number of formal informal group discussions at various forums and by individuals have categorically pointed out the defects in the electoral system, some of them have ventured to come out with some useful suggestions, yet the problems remaining to be as critical and challenging as ever. The Joint Parliamentary Committee on Amendments to Election Law (1971-72), the Tarkunde Committee Report of 1975, the Goswami Committee Report of 1990, The Constitution

Bill 1994 and the Representation of the People (Second Amendment) Bill, 1994 (passed by Parliamentary), the Election Commission's Recommendations in 1998 and Indrajit Gupta Committee Report of 1998 etc. produced comprehensive set of recommendations regarding electoral reforms. A few reforms have been implemented but a lot has to be done. The whole country is now expressing serious concern over the anti-social and criminal elements entering into the electoral arena. An indomitable Mr. T.N. Seshan tried his best to cleanse the system, but he failed. Mr. Seshan's successor, Mr. Gill faced the same problem. The Ex-CEC, Mr. Lingdoh also found himself in such a pitiable position, that he has found no suitable remedy to malpractices in elections. This leads to cleans the system but, to appeal the voters not to vote for the criminals. Mr. T.S. Krishnamurtby, N. Gopaldaswami and Navin B. Chawala the CECs also faced the same problem. CEC, T. S. Krishnamurthy has in a proposal letter suggested to PM Manmohan Singh a set of poll reforms³⁶ that anyone charge sheeted at least six months before elections should be barred from contesting elections. The EC has taken several new initiatives in the recent past as a use of state owned Electronic Media for broadcast or telecast by political parties, checking: criminalisation of politics, providing with electoral identify cars, streamlining the procedure for registration of political parties and requiring them to hold regular organizational elections, a variety of measures of strict compliance of Model Code of Conduct for providing a level playing field to contestants during the elections, and so on.³⁷ In India, the BC has established a set of guidelines known as the Model Code of Conduct that must be obeyed by political parties and candidates in the run-up to an election. These guidelines are intended to ensure that the ruling party at both the national and state levels does not misuse its official position to gain an unfair advantage in an election. There is a pervasive feeling that something is wrong with the way elections are conducted in India. Keeping in mind the centrality of elections in renewing the legitimacy of the democratic political system and its vital role in the Constitution of the Political Community, It is expected that the distortions adversely affecting the conduct of free and fair elections will be immediately controlled and eliminated if by nothing else, than, at least, by making suitable changes in the law governing the conduct of elections. Now, time has come to provide some hard rules and laws in our constitution to keep away those anti-social evils from legislative and parliament.

Suggestions

The following suggestions should be taken into consideration for making electoral system free and fair manner:

1. At Present, the EC does not have independent staff of its own. Whenever elections take place, the Election Commission has to depend upon staff of Central and State Governments. The dual responsibility of the administrative staff, to the government for ordinary administration and to the EC for electoral administration is not conducive to

the impartiality an efficiency of the Commission. Along with it comes the problem of disciplinary control over the staff deputed to do election work which generally generates confrontation between the Government and the BC. Now, when the elections have ceased to be a mere periodical affair, it is desirable .that the BC should have a permanent electoral administration with adequate disciplinary control over the staff.

2. Efficient Electoral Commission is a requirement of the day to conduct free and fair elections. Democracy and fearless elections cannot exist without each other. To stop unfair practices in elections like rigging by using official machinery and to ensure existence of democracy, following methods or means should be adopted.
3. The CEC should not be at the mercy to Executive and Parliament for its requirements. He should have separate and independent election department to enhance its objectivity and impartiality.
4. Political corruption should be stopped by providing funds to genuine candidates through political parties whose account should be auditable. Candidate involving in corruption should be disqualified.
5. For having a true democracy the registration and recognition of the political parties should be fair and without any kind of influence.
6. Mass Media should play a non-partisan role in election and as a safeguard of democracy.
7. Periodic elections are the foundation of a democratic system. For fair electoral system every aspiring candidate must have fettered freedom to offer himself as a candidate for election and to conduct his election campaign in his own way so long as he keeps him within the law.
8. Every voter must be perfectly free to vote as Eve likes without any fear of consequences and without being unduly influenced by anyone by improper means and inducement or pressure of any kind.
9. The secrecy of voters' preference to any candidate should be maintained. The election machinery must function honesty and impartially at every stage.
10. Parliament must pass a law dealing with this serious problem of de-listing of valid electorates from electoral rolls because illiterate electorate residing in far villages cannot watch over publication of electorate lists.
11. Preparation of electoral rolls by EC are to be supervised at village level and certificates from officials who prepare electoral rolls to the effect that the electoral rolls have been thoroughly revised. They do not include that persons and legally disenfranchised citizens and intentionally no name should be left in them. Accountability to be fixed for intentional exclusion of name of voters from electoral rolls.
12. The names of the voters may be included in the electoral rolls even at the time of casting of votes

by the polling officer, when he finds a genuine case.

13. Unearth and confiscate black money, which is widely used for buying votes.
14. Make politicians as well as voters law abiding.
15. Strictly apply the Code of Conduct and punish those who violate it.
16. Revise voters lists in time to avoid bogus polling and correct mistakes in the lists.
17. Prompt action by the judiciary, if any kind of violation is detected during elections.
18. Declare elections results in mandatory.

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. Finally there should proper mechanism, fully functional and fully equipped to fight with any triviality.

Conclusion

Despite landmark judgments delivered by the Supreme Court and efforts by the Election Commission of India, the system continues to be prone to mischief. To stamp out these tendencies, there is a need to strengthen the Election Commission to punish errant politicians and defiant political parties. 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. The Supreme Court of India has also made efforts to keep a check on the evil of criminalization of politics but the problem remains unbeatable, though it had not made any radical suggestion however, whatever suggestions being made are not acceptable to the politicians. There exists a wide gulf between preaching and practice in today's modern political era. Actually, the roots of the problem lie in the political system of the country. There is lack of political will to combat the problem. As being said earlier, Election is a soul of Democracy, that not only nourishes the faith of common person in the ideals of democracy but also protect the nation from the threat of authoritarian politics. Weak electoral system is a biggest threat not only to the national integration but also to the Democratic Consolidation of India. Electoral Reforms of radical nature can only save this glorious nation from political deterioration. Sanctity and purity of

Elections must be protected at any cost, as the future of India depends on it.

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Remarking An Analisation

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