

India's Electoral System: Major Issues and Challenges

***Rajveer Yadav**

Abstract:

This paper is on modern democracy, sometimes known as representative democracy. Voters or Electors cast votes, and we'll discuss the benefits and drawbacks of universal adult franchise. Because the existing election system does not offer appropriate representation for all voters, a huge number of votes are cast in vain. There is, however, a proportional representation system. In state assembly elections if the margin of victory was fewer than 100 votes, a candidate was declared successful. Unless there are exceptional circumstances, a candidate normally wins an election with just 30 to 35 percent of the votes cast. As a consequence, he or she cannot be regarded as the outcome of a popular vote. The United States, being the world's most populous democracy, will be the focus of this research.

Keywords: Election, Voting, Legislature, Political Race

INTRODUCTION

India is a democratic, constitutional, communist republic built on popular support. In the social, monetary, and political fabric woven by the Constitution bequeathed to "We, the People of India," popular governance runs like a lovely thread. It is inherent in the Constitution's description of a majority rule government that members in Parliament and state legislatures are portrayed by the technique of political choice. There are several reasons why India's Supreme Court feels that majority rule controls the nation, and that it is an essential aspect of its constitutional structure. The Indian government is now a Parliamentary one, according to the country's new constitution. The Rajya Sabha and Lok Sabha are the two Houses of the Indian Parliament, which are led by the President of India. Each state in India, which is a union of states, is managed by a distinct state administrative body. A state's legislature consists of two chambers, the Legislative Assembly and the Legislative Council.

In today's democratic period, the people possess the keys to the kingdom. There is a reduced possibility of choosing effective representatives using the technique of direct election, but a larger likelihood of electing them using the method of indirect election, since the voters who elect the candidates are frequently better than ordinary voters. Indirect elections are employed. It's because of this that they utilise their votes carefully; the nation is split into equal geographical regions from which the people pick their representatives. More and more democratic governments are depending on the simple majority method these days. In this technique, the candidate who wins the most votes is announced the winner of the election.

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The biggest democratic and republican state in the world is this one. In any nation with a democratic and republican government, elections are both a must and the foundation of democracy. Citizens have the option to choose their own government in a democracy. Every democracy in the world has elections, and this is a fundamental aspect of democracy. We can only have a really democratic election process after that. The Indian constitution has created an independent Election Commission (Article 324–329) for this purpose, which consists of the Chief Election Commissioner and other Election Commissioners. There are now two more election commissioners. The Indian Election Commission has been working hard to make sure that elections are conducted on a regular basis in accordance with the guidelines provided in the Indian Constitution. It has recently implemented a variety of fresh steps in order to achieve this aim. a strategy for political parties to use state-owned electronic media for broadcasting or telecasting, preventing the criminalization of politics, computerising electoral rolls, providing voters with identity cards, streamlining the process for maintaining accounts and having candidates fill them out, as well as a number of other measures for strict adherence to the Model Code of Conduct, levelling the playing field for candidates during the elections, and appointing electoral judges Election watchers are among the other measures. There have been several committees and commissions formed up to this point, including the V.M. Tarkunde Committee, the Dinesh Goswamy Committee, the Indrajith Gupta Committee, and the Law Commission. Numerous voting system improvements have been made in India despite the fact that the country has had a significant number of defections, some of which are mentioned here.

Objectives of the Study

The study's primary goal is to examine the Election Commission of India and the Indian electoral system, with a focus on identifying electoral system issues.

Methodology

The current research will only look at the Indian electoral system since it is a descriptive study. It uses descriptive and analytical methods, as well as statistical analysis, to record the events. Modern historical methodology is also used to document the occurrences.

DISCUSSION

THE IMPORTANCE OF ELECTION

It provides political backing for the choice, gives the decision of authority, allows people to express their disapproval of the decision party more forcefully, and is also a self-restorative framework.

Through this structure, decision-making meetings are convened in order and forced to consider the interests of all individuals on a regular basis. Give us the opportunity to inform you that Part XV of the Constitution, Articles 324 to 329, governs the Indian electoral system. To ensure fair and impartial elections throughout the country, Article 324 of the Constitution allows for an independent Election Commission. Based on mature establishment, the Lok Sabha and state congregations would be appointed. Therefore, under the provisions of the Constitution or any law made by the appropriate legislature, no person who is a resident of India and who is 18 years old is prohibited from voting on

the grounds of non-living arrangement, unsound personality, wrongdoing, or degenerate or legitimate practise.

Election Commission of India (ECI):

The Constitution of India required the establishment of the "Election Commission of India (ECI) in 1950 in order to further India's democratic process. New Delhi serves as the location of the main office. It consists of three people: a chief election commissioner and two other commissioners. These people are appointed by the Indian President for terms of six years each, and the only way to remove them from office is by parliamentary impeachment. The Elections and Citizenship Commission (ECI), which is in charge of making sure that elections are conducted fairly and in an orderly manner, is utterly immune to political influences and is totally nonpartisan.

The Electoral Commission of India (ECI) supervises, coordinates, and administers all elections in India, including those for the national parliament, state legislatures, and the offices of president and vice president. Its responsibilities include registering political parties, classifying them, monitoring the nomination of candidates for public office, and monitoring the conduct of election campaigns. In addition, it assists in setting up polling locations, counts ballots, and publishes the results. Additionally, it facilitates media coverage. The Election Commission of India (ECI) has last say when it comes to elections, but it is subject to legal challenge in courts of law.

The ECI is run by a secretariat with roughly 300 employees. At the district and constituency levels, civil officers handle election tasks. The state's chief election officer supervises one or more important personnel. General election vote administration is handled by a large contingent of temporary workers, numbering between one and five million. The ECI has implemented some of these steps in order to maintain the viability of its operations. Using state-owned electronic media for political campaigns, taking action to prevent the criminalization of politics, computerising the electoral rolls and handing out voter identification cards, and abiding by a code of conduct that ensures fairness for all parties and candidates are just a few examples of what this entails.

Indian Election Process:

The Election Commission of India, which has been given considerable authority to monitor, direct, and manage the process, is in charge of overseeing elections for the president and vice president of India, as well as for the Parliament and state legislatures. The Indian Constitution serves as the only source of authority in this matter. The two main elements of the Indian electoral system are direct election, which is based on geographical constituencies, and proportional representation, which is achieved by using a single transferable vote. The first method is used to elect members of the Lok Sabha, state legislatures, and local administrations in Union Territories. This is the norm across all of India. In the second round of voting, seats in the Rajya Sabha and Legislative Councils were also up for grabs. This election was held on the basis of proportional representation with a single transferable vote.

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The key components of the Indian electoral system are:

- Outlines the composition of the Indian Election Commission.
- Outlines the duties and responsibilities of the Election Commission.
- The conduct of elections is covered, including the nomination of candidates and the declaration of the results.
- Covers the many processes in the voting process.
- Outlines the duties and functions of polling officials.
- Describes the shortcomings of the present setup and the need for modifications.
- Makes recommendations for electoral changes as well as those that have already been put in place.

RESERVATION OF SEATS

Due to the Constitution's limit on the number of elected members, there can only be two Anglo-Indian lawmakers in the Lok Sabha. To further guarantee that only rising stars from established ranks and clans are permitted to represent political race, further measures have been put in place. A measure to safeguard the 33% of Lok Sabha seats set aside for female candidates was presented in the middle of 1999. Before the law could be reviewed and approved, there was a rift in the Lower House of Parliament.

MAJORITY SYSTEM

Many of our problems have their roots in the majority rule system we now have. However, since this percentage is occasionally less than 25% of the total votes cast, even though they win the election, this can result in a winning candidate representing a constituency that has a minority of votes, despite the fact that they are elected to represent all the people. It only determines who wins the majority of votes among the contestants, regardless of the percentage of votes they receive. As a direct consequence of this structure, caste and communal divisions became the main focus of divisive politics in the community.

Another option is to win any election by receiving more than 50% of the vote.

If none of the top two candidates is able to go through the first round, there should be a run-off election.

People feel more united as a consequence, and political tactics like casteism and communalism are used less often. No political party can win an election without the support of all social groups.

ISSUES IN INDIA'S ELECTORAL POLITICS

Currently, elections are not conducted in an absolute setting because to the enormous sums of money and physical strength needed to win. This is because it takes a lot of resources—both financial and

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physical—to win elections. The power of money, the power of muscle, the criminalization of politics, poll violence, booth capture, communalism, casteism, nonserious and independent candidates, etc. are only a few of the major problems with the Indian electoral system.

Money Power

The influence of money in politics is another significant weakness in our democratic system. In recent years, elections have gotten more and more costly. It is possible for political parties and candidates to feel uneasy about how often elections are conducted. Vote exchanges are similar to market transactions for products. Industrialists and businesspeople used to donate to political parties, but today they directly take part in elections, run for office, and sometimes purchase seats in state legislatures and the Rajya Sabha from parties. Many political officials, as well as businesspeople and entrepreneurs, are engaged in public contracts, governmental organisations, and enterprises as a consequence of their nominations. According to a report by the Association for Democratic Reforms (ADR), 80 percent of Lok Sabha members are crorepatis. This is a much higher proportion than the 58 percent and 30 percent of Lok Sabha MPs in 2004 and 2009, respectively. The following chart displays the average wealth of each party's MPs in the 16th Lok Sabha.

Muscle Power

It's all about physical dominance, including quiet and aggressive booth capture as well as intimidation both before and after the vote. From northern areas like Bihar, western Uttar Pradesh, and Maharashtra, cancer is steadily migrating to southern regions like Andhra Pradesh. Criminals are like two sides of the same coin in today's free society, and they are mostly to blame for the use of force during elections because they are politicising crime and criminalising politics. Criminals utilise violence to gain electoral success for their followers.

Misuse of Government Machinery

The majority of people think that the current administration exploits official resources to support its party candidates during elections. Ministers distribute discretionary funding, campaign in government vehicles, and have taxpayer-funded commercials produced. These are all instances of how the apparatus of government is being misused. The strategies mentioned above provide the governing parties an unfair advantage in elections. Misuse of public monies occurs when they are utilised to favour one political party's candidates over another.

Criminalisation of Politics

A major issue in our politics at the moment is the criminalization of politics. The legislation ought to prevent lawmakers with criminal histories from standing for government. 53 of the 543 Lok Sabha members are reportedly facing severe criminal accusations, according to reports from 2015. They will lose their jobs if they are proven guilty. The ADR research indicates that 34% of the new MPs had been accused of a crime. The percentages were 24% in 2004 and 30% in 2009, respectively. According to the ADR study, the average duration of criminal charges filed by MPs under Sections 8(1) and 8(3) of the Representation of Peoples Act is ten years.

Coalition governments that seize opportunities

A significant problem in our democratic system is how it handles coalitions formed after elections. They get together to construct the administration despite having opposing ideologies under the guise of avoiding re-elections, which is also against popular opinion. Therefore, the legislation will need to be altered to allow for pre-election alliances exclusively. Another significant issue is political defections, especially at the state level. Regardless of the electorate's support for that political party's ideologies, they change parties after the election. This right should not be extended to a third of the party or even to any individual member. Upon resignation, term expiration, or merger, the party will be accepted. The Election Commission of India should continue to have this capability to prevent political defections, which are now handled by the speaker of parliament.

Paid News

Paid news has emerged as a fresh and significant threat to the Indian election system. The Press Council of India asserts that "Any news or analysis appears in any media, either print or electronic, for a price in cash or kind as payment." This assertion referred to the dissemination of news and analysis. The system will be enhanced since it is difficult to examine in practise.

CAUSES OF POLITICAL INSTABILITY

There has been a large degree of political instability during the previous several decades. As a consequence, both the administration and the policies have been unstable, which is characteristic of administrations made up of a minority. The causes behind this are simple to comprehend. "The Westminster one is one that operates largely on the basis of a limited number of political parties, and that is the one we have decided to adopt. Currently, there are just two main political parties in the United Kingdom. On the other hand, political parties have proliferated in India as a consequence of the country's deeply divided population and the politicisation of daily life there. Each of them has developed a narrow and exclusive identity for itself and its circle of followers, an identity that is primarily based on caste or religion, rather than because it has a unique philosophy or economic plan. This is the main justification for the ongoing existence of each of these groupings. Even this support is often obtained not by providing any helpful services to the affected group but rather by disparaging others and continually inciting conflict between different groups. Pitting one group against the other is the term used to describe this kind of action. This is typical. It has become harder for individual parties to gather a majority vote that can be utilised to form a government at the centre as a direct result of this vote divide.

Any ideology or notions of the standard of governance have to disappear from the picture in order to piece together a functional majority to form governments.

This has had a significant detrimental impact on governance quality and has had a variety of unwanted consequences. Law and order have suffered, corruption has been allowed to flourish, and the effectiveness of the control systems has either fully collapsed or deteriorated. As a direct result of all the subsequent bad governance, the common man has been forced to suffer. This situation has

generated its own debate, and some have suggested that there should be a limit established on the number of independent candidates and political parties that are allowed to compete for office at the federal level.

Castism:

Even though there aren't many instances of political parties in India being exclusively associated with one caste, several castes heavily support certain political parties. This means that political parties fight with one another for the support of different caste groups by making attractive proposals to those groups and under pressure from those groups to have members of their group chosen as candidates. When the political party in issue is a big one and the caste group in question is the most visible one, this relationship is more obvious. In many political parties, caste concerns have taken the role of ideological division in the selection of election candidates, in the formulation of policies and programmes, and in the providing of support for those individuals. Caste has a significant role in politics, especially at the more local levels. A new crisis is brought on by the emergence of regional parties and the "withering away of national view and spirit." Candidates are ultimately chosen not based on their merits, skills, or accomplishments but rather on the conventions of caste, creed, and community. Caste ends up being the determining element in selection after all. Caste-based and caste-based policies are undermining the idea of "unity" in the guise of regional autonomy.

Communalism:

The establishment of India as a "secular" state, the politics of communalism, and the rise of religious fundamentalism in the decades that followed the nation's independence all aided in the growth of several unique movements throughout the various states and regions of the nation. Growing sectarian polarisation, or more precisely, multi-polarization, has put India's "political culture of pluralism, parliamentarianism, and federalism" under pressure. In spite of the adoption of "secularism" as a constitutional philosophy, which paradoxically allows communal parties to compete, fundamentalism and communalism are growing in Indian politics. Despite the fact that secularism is a constitutional conviction. It seems that India's politics no longer possess the tolerant nature required to be referred to be "secular." Conflicts between "secularists" and "communalists" have characterised national and state politics over the last ten years. To free politics from communalism, castism, and linguism, the minority government presented the Representation of the People (Amendment) Bill 1993 and a comprehensive constitutional modification bill (80th Amendment Bill), however both laws were not approved by Parliament. Caste and religion have recently become as "election rallying issues". Sadly, candidates often consider caste and religious sensitivity while running for government. This should be prevented.

REMEDIAL MEASURES

The following ideas should be taken into account in order to make the electoral process free and fair:

- At this time, the EC does not employ any independent contractors. The Election Commission must depend on representatives from both the Central Government and each state government

whenever there are elections to be conducted. The administrative staff's twin obligations to the government for routine administration and to the EC for election administration are detrimental to the impartiality and effectiveness of the Commission. Along with it comes the challenge of exercising disciplinary authority over the personnel that has been assigned to carry out electoral activity, which in most instances causes conflict between the BC and the government. It would be excellent for the British Columbia government to set up a permanent electoral administration that has enough disciplinary control over its workers since that elections aren't just a cyclical event as they used to be.

- The Electoral Commission must function as efficiently as feasible in order to conduct free and fair elections. Free and fair elections cannot exist independently of a democratic administration. The following steps should be taken to guarantee that democracy continues to exist and put an end to unfair election practises such vote manipulation by using official equipment.
- In order to carry out its duties, the CEC shouldn't be dependent on the discretion of the Executive or the Parliament. He should establish a distinct and independent election section to increase the agency's neutrality and impartiality.
- Ending political corruption requires funding honourable candidates via political parties, whose finance records should be available for public review. Any candidate who engages in unethical behaviour ought to be disqualified.
- To have a true democracy, political party registration and legitimacy-seeking procedures must be transparent, unbiased, and unaffected by any outside forces.
- Regular elections are the cornerstone of a democratic society. For an election system to be fair, each prospective candidate must have unfettered freedom to declare himself a candidate for office and to conduct his campaign whatever he pleases, so long as he complies with the law.
- It is essential that every voter be allowed to cast their votes as they see fit without worrying about the repercussions or being unduly influenced by someone who is employing unethical tactics like inducing them to vote. Illiterate voters cannot keep track of the release of election lists since they reside in isolated locations. De-listing legitimate voters from the electoral records is a significant problem that requires the passage of legislation by Parliament.

The creation of electoral rolls, which will be overseen at the village level, will be the responsibility of the Commission on Elections. Additionally, those in charge of creating electoral rolls will need to verify that all changes have been made to the electoral rolls. It is expected that there should be no names left in them; they do not contain the parties in controversy or persons whose right to vote has been revoked.

- If the poll worker discovers a good reason for the voter's name being purposefully omitted from the electoral records, the names of the voters may be added to the electoral registers even at the time of casting a ballot.

CONCLUSION

The likelihood exists that the next elections in India will see the most electoral activity ever seen anywhere in the globe. The Election Commission has accountability for the whole process. The autonomy of the organisation allows them to function more efficiently and complete tasks more rapidly, which aids in their achievement of their objectives. The general populace is the most potent force in a democratic society. "Everything will run smoothly, and democracy will shine in the dark spectrum of a previously corrupt and criminalised political system," says the author. "If the public does not vote for criminals, dishonest politicians, or corrupt politicians who desire to purchase their votes with money or physical power, everything will run smoothly." Therefore, even if the EC is making significant efforts in this regard, success won't be attainable unless all political parties and voters accept their responsibility. Finally, there needs to be a suitable system that is totally functional and well equipped to handle any insignificance.

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