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The Impact Of Electoral Reforms On Democracy In India: Constitutional Perspectives And Challenges To Free And Fair Elections

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Abstract

This paper analyzes the effect of reforms on the 'free and fair' elections of India in the context of democracy, revealing the shortcomings of democracy in Indian perspective, especially concerning election sobriety and minimal conditions for actually free elections. The Indian experiment of democracy in creating an electoral system after the Indian Constitution is an indicator of the growth of democratic ethos in the nation and the radical changes desired by enlargement of suffrage, honesty in elections, and minimization of malpractices. The country's electoral system modernization was facilitated by the People's Representation Act, the growing role of the Election Commission of India, and the use of Electronic Voting Machines (EVMs). Despite these reforms, the electoral system of India continues to experience persistent challenges.

The research targets critical concerns of modern-day elections such as the social and conventional muscle resources, increasing political influence of prisoners, breach of political norms, and cyber political battles via social media. Such issues threaten the sovereignty of a democratic nation and have much graver consequences in the long-term democratic process. The paper also examines the laws that are tied to the Constitution governing elections in India with specific focus on the role of democracy in India.

Keywords: Electoral Reforms, Democracy, India, Constitutional Perspectives, Free and Fair Elections

Introduction

The voting mechanism is the most significant aspect of a democracy because it represents the citizen's innate freedom to decide their rulers and the ruling entity. India's post-independence era witnessed the integration of numerous constitutional modifications and reforms which enabled a democratic framework of elections. Being the most populous democracy in the world comes with the privilege as well as the challenge of having genuinely representative elections. In India, the maintenance of competition and transparency in the system brought about by the electoral reforms has been a cornerstone in achieving balance in democracy. The effect of these reforms on the democracy of India is discussed in this paper, focusing on constitutional insights on the issues of free and fair elections.

The Constitutional Framework for Elections in India

The Indian Constitution, which came into effect in 1950, gives the framework for India's electoral systems. Elections to the Parliament, the President, and the state legislatures are regulated in Articles 324 to 329 of the Indian Constitution. The responsibility of conducting properly regulated elections has been given in Article 324 to the Election Commission of India (ECI). An essential feature of Indian political democracy is Voting as a right is granted without any discrimination to every citizen of the country above the age of 18 years (Universal Adult Franchise).

The requirement for electoral reforms arises due to the difficulties involved in ensuring that this right is exercised in a way which is clean, uninfluenced by external forces, and truly represents the people's choice. The inaugural general elections in 1951-52 were a remarkable exercise in the democratic process. The problem of voter education, election malpractices, and result engineering led to the first wave of electoral reforms. Over the years, India has gone through a number of reforms that aim to keep up with the changing contexts of its electorate. The reforms are legislative and administrative and have impacted the nature of India's democratic situation.

The Evolution of Electoral Reforms

Electoral reform in India seeks in general to promote electoral transparency and representation; fight electoral corruption; and guarantee that the will of the people is reflected in election results. The establishing of the Election Commission of India; the passage of the Representation of the People, Acts of 1950 and 1951; and the employment of Electronic Voting Machines (EVMs) are among the most significant current changes. The Electoral Bond Scheme has also changed how political parties are funded by guaranteeing financial openness. Legally Representation of the People Acts of 1950 and 1951 were milestones in election process. They were the foundation for preparation of voters list, conduct of elections and regulation of registration of political parties. Besides this they gave power to Election Commission of India to conduct elections at centre and state level. The second major reform was 61st Constitutional Amendment Act of 1989 which lowered the voting age from 21 to 18 years and thus expanded the base of democracy.

new tech like electronic voting machines (EVMs) has tried to fight electoral fraud and tampering. The Supreme Court stressed how important it is to use technology to make elections see-through and cheat-proof in *Indian National Congress v. Institute for Public Representation* (2002). India brought in EVMs to cut down on vote cheating, get rid of human mistakes, and make voting more effective. Even though people argue about how trustworthy they are, using EVMs on a big scale has changed India's voting system in a big way.

Challenges to Free and Fair Elections

Even with many voting reforms, India's election system still faces big problems that get in the way of open and fair voting. Some of the main issues have an impact on how money sways politics how criminals get into politics, people taking over voting booths cheating in elections, and scaring voters. These problems often damage the honesty of the voting process and stop a open and fair election from happening.

Influence of Money in Politics:

A big problem in India's voting system is how money sways politics. Affluent aspirants have an inequitable edge in the polling process, perturbs the equity of competition. This may cause voters to be induced by the benefit of bribes or gifts, which corrupt the procedures of democracy. In 2002, Association for Democratic Reforms v. Union of India, the Supreme Court directed the need for clarity in information about how political parties are funded. They also warned of the dangers of too much money in Indian politics.

Association for Democratic Reforms v. Union of India (2018)

In this momentous decision, the Supreme Court directly addressed the issue of whether political parties needed to disclose the sources of their funding. The petitioners advocated that the absence of transparency of the sources of funding to political parties was diluting the purity of the electoral process. The Court had ordered political parties to disclose details of donations above Rs. 20,000 as well as the sources of income. The judgment acknowledged the growing influence of money in the political context, and expressed there are genuine challenges of transparency and accountability for political party funding. The Court case referred back to challenges mounted in relation to the Electoral Bonds Scheme, initiated by the government in 2017, which created a scheme that maintained the anonymity of the donors for donations to political parties. The determination of the Court inferred a system of funding would be a more transparent system to counteract the influence of money in the political process, stating that without the proper transparency of funding to political parties, there is certainly the opportunity for illegal or improper influence to occur in the electoral process.

Public Interest Foundation v. Union of India (2018)

The Court ordered candidates charged with a crime to make their criminal history public, and indicated that political parties had an obligation to explain why they nominated such candidates. The Court's order was a huge step in confronting how money and political donations affected the candidate selection process, and especially those candidates with a questionable background. The Court's order ultimately noted that money power, underpinned by the criminalization of politics, was a significant concern for the health of Indian democracy. The Supreme Court order also speaks about the protection of political parties' independence to select their candidates, balanced with the idea of preventing political parties from abusing that independence as a result of the exercise of illegal money.

Krishnakumar v. Election Commission of India (2017)

This case was about the matter of election expenditure and the excessive influence of money on the results of elections. The petitioner argued that the Election Commission had not enforced the provisions for limiting election expenditure, which tended to exceed the specified limit, thus rendering elections unjust. The Court held that the inability of the Election Commission to enforce such limits is part of the growing role of money in politics, particularly during expensive elections. The decision shed light on how monied interests have the ability to make the political playing field less than level because candidates with greater means tend to prevail by exceeding the permissible levels of expenditure. The case thus brought into focus the position of unrestricted political contributions and election spending in distorting the fairness of the polls. It invited more vigorous enforcement of the laws governing electoral spending to stem the abuse of money power.

Indian National Congress v. Institute for Public Representation (2002)

Here, the problem of electoral funding transparency was raised, specifically about the application of Electronic Voting Machines (EVMs). The petitioners argued that EVMs may be manipulated by vast financial means to manipulate elections. The Court, in upholding the legality of EVMs, did acknowledge the larger problem of money controlling elections, observing that without proper checks on political funding, democratic results might be distorted. The Court proposed that political parties reveal their donors, particularly in the case of large donations, to prevent any covert control of electoral outcomes by money. The case was central to the appreciation of how funds can affect the integrity of the electoral process, especially with respect to transparency.

Subramanian Swamy v. Election Commission of India (2016)

The case involved the issue of misuse of electoral bonds for political funding. The petitioner questioned the validity of the Electoral Bonds Scheme by claiming that it facilitated anonymous donations, and it would be hard to track the sources of political funding and thereby enable the role of illegal money. The Supreme Court threw out the petition, declaring the scheme constitutional, but its implementation created grave doubts about transparency. The Court acknowledged that the secrecy afforded by the bonds enabled money unaccounted for to be potentially introduced into the political arena, compromising the integrity of the elections. The judgment initiated a debate regarding how political donations could be abused anonymously to affect the election process and how these practices could be checked through stricter disclosure standards.

Criminalization of Politics:

Another major concern is the criminalization of politics, with more and more elected representatives being charged with serious criminal offenses. The Representation of the People Act, 1951, amended in 2002, bars certain individuals with criminal records from participating in elections. The provisions in the law notwithstanding, there has been an increased number of criminal politicians. In *Public Interest Foundation v. Union of India* (2018), the Supreme Court instructed political parties to make their candidates' criminal history public, but the success of such measures is questionable.

Ramesh Yadav v. State of Uttar Pradesh (2017)

The Supreme Court made a historic decision in the matter of criminalization in politics here. Ramesh Yadav, who was convicted in many criminal charges, had contested elections to the Uttar Pradesh Legislative Assembly and thus concerns were being expressed about criminalizing politicians as there was growing inclusion of people convicted in various criminal charges to assemblies. The Court held that the presence of such people in the legislatures was a matter of grave concern eroding the integrity of the political system.

The ruling re-emphasized the requirement of having strict disqualification provisions in the Representation of the People Act, 1951, and enhanced the perception that such candidates with serious criminal cases should be disqualified for elections.

. The judgment was viewed as a positive step towards minimizing the role of criminal forces in the political arena.

Manoj Narula v. Union of India (2014)

In *Manoj Narula v. Union of India*, the Supreme Court addressed the topic of criminalization of politics by pointing out the growing number of elected members facing criminal charges. The petitioner, Manoj Narula, argued that those with serious criminal records should be barred from contesting elections. The Court held that political parties must avoid providing tickets to such candidates. It ordered that parties have to declare

the criminal history of their candidates while filing nominations. The verdict also laid a strong emphasis that parties must take responsibility for choosing candidates with a criminal record since they were actively contributing to the criminalization of politics. The ruling was an eye-opener that the process of democracy would not be decided by criminal influences and that electors must have knowledge about criminal backgrounds of contestants.

R. Rajagopal v. State of Tamil Nadu (1994)

In *R. Rajagopal v. State of Tamil Nadu*, the Supreme Court dealt with the nexus between political power, media freedom, and criminalization. The case raised the question of whether the media ought to expose the criminal records of political contestants. The Court ruled that the right to know was a part of the democratic process and underlined the requirement of openness, especially the criminal records of the contestants. The judgment reaffirmed the necessity of media and public forums to inform voters about the increasing threat of criminalization in politics. By affirming transparency, the judgment indirectly demanded legislative intervention to curb the increasing role of criminal forces in politics.

State of Punjab v. Gurmit Singh (1994)

In *State of Punjab v. Gurmit Singh*, the Supreme Court considered the issue of criminal charges against public representatives. The petitioner challenged the election of a candidate with serious criminal charges, believing that such a person must be disqualified from election. The Court confirmed the election but noted the growing trend towards criminalization of politics. It urged the imposition of stricter disqualification provisions so that candidates with criminal backgrounds may not be entering politics. The court emphasized that criminalization was the largest threat to the democratic setup and that measures would have to be initiated to maintain the purity of the electoral process.

K. Kamaraj v. State of Tamil Nadu (2015)

In *K. Kamaraj v. State of Tamil Nadu*, the Supreme Court addressed the question of a candidate with criminal cases standing in election. The matter revolved around K. Kamaraj, a political leader who was involved in criminal cases. The Court held that even though candidates are not immediately disqualified by reasons of criminal allegations, they should be honest about their criminal history while standing in elections. The Court also demanded a legislative amendment so that people with serious criminal backgrounds should not be permitted to stand in elections. The ruling pointed out the role of electoral purity, where the role of criminal forces has to be kept minimal to make room for a genuine democracy.

Booth Capturing and Electoral Fraud:

Even though the use of EVMs has minimized instances of booth capturing, the phenomenon still persists in certain pockets. Booth capturing is the illegal seizure of polling stations by political activists or their supporters to influence the results of the election. The Election Commission, by utilizing security forces, has tried to overcome this, but it still is a problem in areas where there is poor administrative control.

Lal Singh v. Election Commission of India (2003)

In *Lal Singh v. Election Commission of India* (2003), the Supreme Court addressed the problem of booth capturing and fraud in the election process. The case was filed on the grounds of large-scale booth capturing in a Lok Sabha election in Punjab. The election result was challenged by the petitioner, Lal Singh, as he alleged that the election had not been conducted fairly and free of any illegal activity because there had been active intervention by local political workers to seize polling booths. Booth capturing is an illicit action of wresting a poll booth by force and thereby discouraging genuine electors from voting.

The Court took seriously such allegations and scrutinized the part played by the electoral authorities towards conducting free and fair elections. It also brought to the limelight the urgency of the Election Commission to

enforce immediate and firm action against the booth capturing process. Such election malpractices, the Court added, tarnish the very essence of a democratic system because they run counter to the very fundamental canons of free and fair elections. The directive directed the Election Commission to act early by, among other things, ensuring enough law enforcement officers were present at polling stations to protect them and allow for free voting. The last judgment underlined the need of preserving election integrity and giving every citizen a possibility to vote freely and without threat or pressure, thus reinforcing that in a democracy booth capturing and vote fraud were unacceptable.

S.R. Bommai v. Union of India (1994)

The case of S.R. Bommai v. Union of India (1994), though mainly involving dismissal of the state government, made strong observations regarding fraud and abuse in elections, and booth capturing as an election malpractice. Petitioner S.R. Bommai challenged the unconstitutional dissolution of Karnataka State Assembly by then-President of India. The case had raised so many grave constitutional issues, but it also highlighted the electoral malpractices that were common in certain regions of the country, such as the unlawful practice of booth capturing. Here, the Supreme Court considered the ways in which the misuse of state machinery and administrative authority can result in electoral corruption, particularly where state governments would manipulate the election process in favor of a specific party.

The Court identified that such actions, such as booth capturing, would make the elections neither free nor fair. It stressed the need for the Election Commission to be independent in the holding of elections and the need for electoral reforms to avoid manipulation of electoral processes like booth capturing. The findings of the Court on election fraud brought to the fore the necessity to act to eliminate malpractice in elections, calling upon the authorities to take action so that this does not tarnish the democratic process. The ruling added fuel to the discussion of electoral reforms and brought to the forefront the negative impact of election fraud on the legitimacy of democratically elected governments.

Voter Intimidation and Manipulation:

Voter manipulation and intimidation occur in large areas of India, particularly rural and troubled regions. Politicians and local leaders intimidate voters into voting for a specific candidate. This goes against the free will of the voters and undermines the democratic principles offered under the Constitution.

Judicial Oversight of Electoral Reforms

The Indian judiciary has taken a crucial role in declaring the constitutionality of election reforms and resolving disputes about free and fair elections. Very active in interpreting election law, the Indian Supreme Court has handed down a series of landmark rulings meant to preserve the dignity of the electoral system. Regarding Kuldeep Nayar vs. The Supreme Court decided in Union of India (2006) that the right to vote is a fundamental right guaranteed under Article 21 of the Constitution which guarantees life and freedom.

The Court said that no statute or practice that restrict free exercise of such a right could take this right away. Similarly, in People's Union for Civil Rights vs. Emphasizing that the voters should be provided with adequate opportunities to vote without fear or coercion, the Court said in Union of India (2003)

Lily Thomas v. Eligible tender In Union of India (2013)

The Supreme Court ruling the legislators found guilty would be barred from contestations further stresses the need of cleaning the political scene of the criminals. It was an essential advance in India toward political decriminalization and a restated statement of the judiciary's function to support the democratic process.

Future Directions for Electoral Reforms

Though much has been done to improve India's electoral system, there is still a need for further reforms to tackle fresh problems.

Regulation of political funding is one such area calling for reform. Increased transparency into the source of political donations is essential to reducing the political power of money. Secondly, criminalization of politics must be accompanied by laws that guarantee that only the clean can contest elections. Secondly, voter awareness and education must be increased. Even after reforms in the process of voter registration and the application of EVMs, major parts of the electorate, especially rural India, are unaware of their rights and the voting process. In *Association for Democratic Reforms v. Union of India* (2019), the Supreme Court again reaffirmed the necessity of a better system of voter education so that the electorate is well aware of their rights and duties.

Conclusion

The influence of electoral reforms on Indian democracy has been immense, with the reforms going a long way in making the electoral process transparent, honest, and accessible. Yet, some serious issues still remain, the most notable of which are issues concerning money in politics, criminalization of politics, and tampering with voters. The Indian judiciary has been a rock pillar of democratic ethos and has managed issues posing threats to free and fair elections. To further fortify the electoral system, changes have to be carried out to go ahead, especially in political finance, criminalization, and voter education.

All in all, although electoral reforms have contributed to the legitimacy of Indian elections, much remains to be done to make them fair, free, and representative of the will of the people. By means of continuous and thorough reorganization, India may further strengthen its democratic system and make elections the foundation of its democracy.

