Chapter 4
ELECTORAL REFORMS

There is enough evidence to feel that comprehensive legislation on Electoral Reforms forward the process of democratization and to establish a moral polity. However, reforming the electoral process is too broad a subject to be confined to mere amendment of the election law and of the rules and procedures relating to the conduct of elections. It has to involve a multi-pronged effort towards cleansing public life. Therefore, attempts at reforming the electoral system have been made from time to time over the last many years. There has been hardly any attempt at making any significant and substantial changes in the electoral system. There have been any number of reports and recommendations on what needs to be done. Some of the significant examples are the Indrajit Gupta Report, the Dinesh Goswani Report, the 170th Report of the Law Commission of India on Electoral Reforms, the Election Commissions Report of Electoral Reforms in India. The remarkable fact however is that almost none of the recommendations of these learned and painstakingly prepared reports have been properly implemented.

First such major concern for Electoral Reforms was discernible in 1971 when a Joint Parliamentary Committee on Amendments to Election Law was appointed in pursuance of a motion adopted in the Lok Sabha and concurred by Rajya Sabha on 22, June and 25, June 1975, respectively. Under the chairmanship of Jagannath Rao, the Committee submitted the report in 1972. The report was in two parts part I contained recommendations for amendments to the Representation of People Act, 1950 and 1951, while part II dealt with matters like voting age, electoral system, etc. the reform could be helpful in removing certain distortion but none could be implemented. Besides that various proposals of
intellectuals, Committee and Commissions also have come out for Electoral Reforms they are as follows:

**Rajaji's Proposal on Electoral Reforms:**

Some important suggestions made by C. Rajagopala Chari are as follows:

1. The entire election expenditure should be met by the government itself, that is, the elections should be 'mobile booths' along with a system like the census operations replacing the present pattern of elections. There should be six months interregnum for a party government, and a non-party administration should work during the election period, under the President and the Governors with their respective jurisdictions who should run the administration with the assistance of the permanent officials.

2. There should be functional and proportional system. An elected economic council based on functional representation of industry, trade, commerce and labour should be substituted in place of the Rajya Sabha and the State Legislative Councils.

3. Instead of depending on company donations, all the political parties should fight the elections on their own strength by entirely depending on the income from their membership fees. This money for the elections can be raised though annual membership fee, which shall help in eliminating the corrupting influence of tainted-money in elections. The dependence on membership fee, for expenditure on electioneering would automatically help eliminate bogus membership the bane of many political parties in our Country. This will automatically gave the way for cleaner intra-party democracy.
4. There must be a fixed limit to the company donations to our political parties, and it should be approved by the general meeting of the company, giving wide publicity to the party or parties to which the donations have been made. These donations must all go to the parties, and must be duly audited. Any breach of the above rule be made a penal offence, and the persons violating this rule must needs be severely dealt with.

5. The government should take the task of bringing voters to the booths instead of by the political parties and individual candidates. The government should run an official non-party scheme of mobile units that should go round in each constituency and collect ballot papers at each house as the collect census information once in ten years. This should be declared a ‘national function’.

6. There should be a ban on the collection of funds by the Ministers and their associates in the party for political and election expenditures, as the Ministers and their minions have power, authority and opportunity to influence the conduct of the elections. It is not founds but power and authority which make the elections unfair.

7. In a poor Country like India, it is an unpardonable wastage to follow the pattern of western electioneering. If to exercise franchise is a public duty, and democracy is to be based on direct universal suffrage in this Country, the procedure of the ballot-box should be reversed. The ballot-box should be taken to the voters at state expense instead of asking the voters to go the booths. The procedure of census operations should mutatis mutandis be adopted at election. Mobile polling booths, therefore, should serve instead of asking the
voters to move to the polling stations. This reform will keep corruption and groups intimidation out.

8. The States through its permanent officials should give each voter his voting-card, and not by the candidate who is eager to get his vote. It should enable him to know his number in the electoral rolls so that he may exercise his right without his having to be informed and pestered by the candidates and other agents. This 'permanent official staff' should be gradually trained to be strictly non-party in all their administrative acts including the election work. Administrative duties should be done with strict judicial impartiality. This is inevitable to disbelieve the prevailing notion that their partial loyalty helps the ruling party to win the elections.

9. In order to secure proper votes and reduce corruption to the minimum, the distribution of identity-cards ought to be done by officials well before the polling weeks, and all propaganda by the candidates or other parties should cease a week or so before the polling date. Personal visits by canvassers should be made illegal during that brief period, and the collection of votes in polling booths should be manned by suitable officials and staff.

10. The mobile booth must be supplemented by a neutralization of the government or by a neutral rule for a certain period before the election, by President's Rule replacing the party in power during the interregnum for six months. Under the law, it must be made compulsory that during that time of the elections all the Ministers who are invariably engaged in their party-campaigns, should handover official affairs to the permanent officials. Nevertheless, it must be demonstrated to the public as well as to the officials that the
state is essentially neutral, inspite of party-rule under the Parliamentary system.

11. Some device should be evolved so as to keep a check on the Prime Minister's power of dissolving the House of People because, "the expenses of elections placed a powerful instrument in the hands of the Prime Minister to keep his or her hold on those who sit on the ministerial chairs by a threat of the dissolution of the Lok Sabha throwing the members into the costly mess of fresh elections, if they are not obedient and suppress their own convictions, however, strong they may be".

12. All the expenses and trouble involved in collecting the votes of the electorates should be borne by the government itself. This would enlarge the scope for attracting 'good and worthy candidates who are not in a position to defray the expenses involved in an electoral contest'.

Beside these measures suggested by Rajaji Mr. M.C. Chagla made two other important suggestions with regard to our elections. First, a time-limit of six months should be laid down with in which all the pending bye-elections must be held, and if the time is to be extended by the Election Commission, it should make a report giving the reasons and it should be placed before the Parliament. In other words, the holding of bye-elections should not be left entirely to the discretion of Election Commission. Secondly, it is entirely wrong that after his retirement, the Election Commission is appointed by the government to another government office. Hence, his office should be made permanent like that the office of the Auditor-General. It should be provided for in the Constitution that once a
person is appointed as a Election Commissioner, he should be debarred from holding any office of profit in the government.\textsuperscript{5}

Tarkunde Committee on Electoral Reforms:

In 1974, Jayaprakash Narayan as President of the Citizens for Democracy (CFD) set up a Committee under the chairman ship of justice V.M. Tarkunde to study and report on a scheme for Electoral Reforms to combat various forms of corrupt practice like the use of money power, misuse of official machinery, the disparity between the popular vote, and the number of seats under the present system of election, defects in existing law and administration, etc. The Committee submitted its report on February 9, 1975. Its important recommendations are as follows:\textsuperscript{6}

1. The Election Commission should consist of more than one person. A Commission consisting of a body of three members can arrive at a consensus on major controversial problems of organizing elections which is decidedly a superior method of ensuring impartiality to the individual decision of a single Chief Election Commissioner. The Committee therefore, emphasis the importance of implementing the existing provisions of the Constitution. The members of the Election Commission should be appointed by the President on the advice of a Committee consisting of the Prime Minister, the leader of the opposition in the Lok Sabha and the Chief Justice of India.

2. The Committee suggested that a statutory limit of six months be imposed beyond which a bye-election should not be postpone and Representation of People Act, 1950 be amended so as to carryout this recommendation.
3. As regard with the election expenses the Committee makes the following recommendations:

(i) All recognized political parties should be required by law to keep full and accurate accounts, including their sources of income and details of expenditure. The accounts should be audited by Chartered Accountants nominated by the Election Commission and should be opened to public inspection on moderate charges. Keeping of false accounts should make the office-bearers of the party punishable of a cognizable offence.

(ii) In every constituency, all the amounts spent for the furtherance, directly or indirectly, of the prospects of a candidate in an election shall be disbursed through his election agents. These should include amounts spent by the candidate's political party or any organization or persons supporting him. All contracts whereby election expenses are incurred shall, in every case be entered into by the candidate himself or by his election agent, and by no body else.

4. Any donation to a political party or for a political purpose up to Rs. 1000/- per year per assess should be eligible for exemption under the Income Tax Act.

5. No government must be allowed to make major policy statements, to sanctions projects and to lay foundation stones and announce other measures to influence the electorate after the date of the election has been notified.

6. Use of Radio-TV, government vehicles aircraft and other official machinery for party purposes should be forbidden to the ruling party except on terms of parity with the opposition parties.
7. Corrupt practices should be brought within the preview of the poll panel.

8. The use of black money or unaccounted money in the election must be curbed.

9. The election procedure with regard the revision of the electoral rolls, counting of votes, signature on counter foil and the disposal of election disputes, etc. should be improved. On the basis of this report, Jaya Prakash launched the first ever people's movement against corruption and for electoral reforms and presented the peoples charter to the Presiding Officers of both Houses of Parliament on 6, March 1975, after a massive demonstration. Urging the Parliament and Assemblies to be more responsive to popular aspirations, the charter demanded that the unanimous recommendations of the Joint Parliamentary Committee on Electoral Reforms be implemented without delay.

**Election Commission’s Recommendations on Electoral Reforms:**

After the 1977 elections Janata Government was formed. For the first time that years, was the national and state political parties were given time on radio and television to broadcast election messages during the State Assembly elections. Beside passing the Constitution (forty-fourth Amendment) Act to remove distortions brought, a cabinet sub-Committee to consider proposals for Electoral Reforms. The Committee was headed by the then Union Home Minister, Charan Singh, At the same time, the then Chief Election Commissioner, S.L. Shakdhar, made significant suggestions on various issues ranging from election expenses to booth capturing. An agreement to reduce voting age from 21 to 18 years was
also reached. But the Janata party government had to resign from office before it could initiate any electoral reform.

Electoral reforms as envisaged by the Election Commission have a long history, initially the Commission used to make its recommendation for amendments to elections law and procedure and electoral reforms though its reports on general elections brought out after the completion of each general election. It is interesting to note that no major or vital changes were proposed in the basic provision of election law till 1970\(^{10}\). For the first time in 1977, a review of all recommendations made by the Commission earlier was undertaken and consolidated recommendation of the Commission on electoral reforms, including both the fresh and unimplemented recommendations, were sent to the Government of India on 22 October 1977. Since 1980 these recommendations have been reviewed time and again and new proposals were added to the earlier ones and sent to the Government of India.

In main recommendations which were reiterated with or without modifications are\(^{11}\):

1. Ban of Defection;

2. Fresh Delimitation of Constituencies by suitable amendment to the relevant provision of Constitution:

3. Creation of election funds:

4. A new proposal to ensure same privileges and safe-guards in the matter of secretariat and staff of Election Commission as are available to other Constitutional bodies like Parliament, Supreme Court, Comptroller and Auditor-General of India and Union Public Service
Commission (UPSC) and make the expenditure of the Election Commission a charge on the consolidated fund of India:

5. The powers to be vested in the Election Commission to direct the State Government to file a complaint in respect of any breach of official duty by an officers in connection with the preparation or revision of electoral rolls and conduct of elections and initiation of criminal action which should be binding on the government;

6. A law should be made (1) to define political parties, (2) to empower Election Commission to make regulations to deal with the matters like compulsory registration of political parties, compulsory maintenance of accounts and compulsory audit of accounts by an agency to be named by the Commission, submission of the periodical report to the Commission;

7. Donation to political parties to be regulated;

8. Security deposit should be doubled;

9. Commission should be empowered to order fresh poll in case of destruction of ballot papers, ballot boxes, prevalence of coercion intimidation and impersonation at the polling stations.

10. Law should be amended to empower the Commission to order repoll in the entire constituency or an Assembly segment of a Parliamentary constituency;

11. High Court should be empowered to declare an election void if it is satisfied that there has been prevalence of bribery, undue influence, coercion and intimidation of voters on a large scale and government
machinery has been abused or misused for the furtherance of the prospects of a candidate;

12. Restoration of the legal provisions on existed before 1974 in connection with the incurring of election expenses by political parties, etc; for the furtherance of the prospects of a candidate.

Some of the important items which were not pressed in this review were:

(i) Mixed system of election;
(ii) Entrusting the Commission itself with the disposal of election petitions;
(iii) Direct subsidy to candidates;
(iv) Cash subvention to political parties\textsuperscript{12}.

In September, 1982 the Commission recommended holding simultaneous elections to the House of People and the Legislative Assemblies of States with a view to saving on the colossal avoidable administrative and other expenditure incurred on account of holding of separate general elections.

On the basis of the experience gained at the general elections to the various Legislative Assemblies in 1982-83, the Commission again proposed certain electoral reforms in September 1983. Some of the important recommendations are as follows:

(1) President’s Rule should be imposed in states simultaneously with the announcement of the Assembly elections with a view to avoiding the alleged misuse of official machinery by the ruling parties.
(2) The Constitutional provisions contained in Article 324(4) should be availed to appoint the Regional Commissioners;

(3) Observers appointed by the Election Commission, be invested with the statutory powers as in the case Deputy Election Commissioner and secretariats to the Commission;

(4) The Election Commission be empowered to sanction penal action against the breach of official duty and to entrust the enquiry and prosecution in such cases to an independent organization. The Commission should have power to cancel poll in the entire constituency in certain contingencies.

(5) The service voter should be allowed to vote by proxy at the polling station in which they have ordinarily been residents, but for their service;

(6) A law should be enacted for the use of electronic voting machines;

(7) Amendment to certain provisions to Jammu and Kashmir law to bring it in line with that applicable to the rest of the Country. That is, the Election Commission be empowered to order repoll if it is necessitated in specific polling stations to ensure free and fair elections;

(8) Setting up of mobile polling stations for weaker sections;

(9) The independence of the Election Commission should be ensured and it should have its own permanent staff to deal with the election work.
Hegde Government on Electoral Reforms:

In 1983 the Hegde Government came in power in Karnataka and put forward some suggestions for Electoral Reforms. Some of them are as follows:[14]

1. To fulfill the clear intention of the Founding Fathers of the Constitution in regard to Article 324, a multiple-member Election Commission of India must be provided by an enactment of law, providing for the terms and conditions of the Chief Election Commission and other Election Commissioners.

2. There should be an establishment of an independent Election Department and creation of an election fund. To assist the Election Commission, some Regional Commissioners should be appointed.

3. The Election Commission should be invested with the statutory powers to issue mandatory directions direct to all authorities in India-Central, State and local whether suo moto or on the complaint of an aggrieved individual or on the report of its observers who should, likewise, enjoy, statutory authority.

4. By status, a model code of conduct containing comprehensive provisions against the abuse of government machinery and official media should be formulated. And by a statutory law, all common forms of corrupt practices including those which have been pointed out by the Citizens for Democracy Reports, must be brought or included with in the ambit of penal offences.
5. Fixing a maximum time limit of six months within which a bye-election should be held, be provided for in the Representation of People Act, 1951.

6. All the political parties recognized by the Election Commission, should be required by law to have an inner democratic structure based on periodic elections as a part of their Constitutions. They should be made to submit audited accounts regularly and simultaneously publish the same, and the state should contribute to election expanses. There must be a law regulating the prohibition of certain items of expenditure during the elections, company donations and other kinds of funds given to the parties.

7. The minimum voting age must be brought down to 18 years, and identity cards should be issued to the voters.

8. The electronic voting machine should be introduced.

9. The model code of conduct should prohibited the exiting practice of the use of official aircraft by the Prime Minister for election purpose except when his personal security is menaced.

10. The Chief Election Commission should not be eligible for any further appointment.

11. Immediately after the issuance of notification of the elections to the Lok Sabha and to the State Assembly, the Centre or the State Government, as the case may be, should resign and function only as a care-taker government until the new government is formed.

12. A Committee of the representatives of the national parties should be formed without delay to formulate a scheme for electoral reforms,
embracing the points on which consensus already exists. Also, after framing the scheme, the Committee should consider change in the election laws including the introduction of state funding of elections.

13. By a statutory law, all the political parties should be required to get their accounts compulsorily audited and get them simultaneously published.

All the amendments made in 1974 and 1975 in the Representation of People Act, 1951, to nullify the Supreme Courts judgment delivered in connection with the case of Kanwaralal Gupta V. Amarnath Chawla15, and the judgment of the Allahabad High Court in the case of Mrs. Gandhi’s election must be repealed.

Electoral Reforms Suggested by N.T. Rama Rao:

The then Chief Minister of Andhra Pradesh, N.T. Rama Rao submitted an action plan to eliminate the free play of money-power in our elections and the evils of rigging and booth capturing with a view to strengthening the Indian Parliamentary institutions. The main features of this model scheme of State Funding of Elections to the local bodies of Andhra Pradesh are as follows16:

1. The state will bear all the poll expenses of the candidates set up by the political parties and those contesting as independents, and these candidates, would further be entitled to reimbursement of the prescribed ceiling on election expenses, provided they secure at least one-sixth of the total valid votes polled at the election in the aggregate for candidates set up by it in a district in the last preceding elections to the Assembly or to the local bodies as the case may be.
2. Eligible political parties, however, would be entitled to receive 60% of the amount fixed as ceiling for election expenses by way of an advance. The remaining 40% will be paid after the election, on submission of claims by the political parties in the prescribed manner.

3. Where an ‘eligible’ political party to which an advance has been made, has failed to secure at the election the minimum number of votes prescribed, it will be required to refund the advance made to it within the prescribed period, failing which the amount due shall be recovered from the party in the same manner as an arrear of the land revenue. Such defaulting party will also be disqualified from receiving any advance reimbursement at any future elections to a local body.

4. Each political party will be required to file with in the prescribed period a detailed statement of accounts showing the amount received for each election from any source including the official aid and the manner in which the election expenditure was incurred by it/its candidates. These account books will be duly got audited by the State Election Authority through such agency as may be prescribed. The Audit Certificate shall be published and shall be laid on the Table of the Legislative Assembly by the Election Authority, i.e. (Returning Officer).

5. There will be a ban on the creation of Pandals / shed and other structures, temporary or permanent in public places in connection with the election campaign of any candidate. There will be a complete ban on wall writings also. These public meetings in connection with the elections will be held only at notified places.
6. Except the Election Authority no candidate or the party shall supply or cause to be supplied the model ballot papers and identity slips to any voter, and such unauthorized action will be an electoral offence under the law.

7. Any person found impersonating or indulging in booth capturing rigging or any such malpractices will be treated as offenders and will be prosecuted under the Election Law.

8. All publicity materials including posters, banner boardings, handbills, door-slip, bunting etc, shall be approved by the Election Authority and shall be displayed by it at notified places and the ceiling limit for each item of such material shall also be prescribed by this authority.

9. Vote-buying, money distribution in elections being in a state of drunkenness, while exercising vote, etc, will be treated as cognizable offence candidate violating the Election Law will be prosecuted and disqualified from contesting future election to these local bodies.

**Important Suggestions made by the Election Commission in 1985:**

In the light of the experience gained during the elections to the Lok Sabha in December 1984 and to the State Assemblies held in 1985, the Election Commission, in its 3rd Annual Report, made a number of proposals for Electoral Reforms to ensure purity of elections and to find solutions to some of the problems faced during those elections. The Commission made the following important recommendations:

1. Punitive measures to check disturbances at the Election meetings should be taken and person found involved in them must be tried,
and if they are convicted by competent courts, they should be disqualified from contesting the future elections.

2. To prevent fraudulent filing of nomination papers, the Commission suggested that:

I. In each case of an election to a Parliamentary constituency and a State Assembly, the nomination paper should be signed by at least one proposer from each segment of the constituency, but not exceeding ten in all;

II. It should be obligatory on the part of the candidate to furnish his photograph or that of his proposer in case such proposer in presenting the nomination form in the absence of the candidate;

III. The photographs furnished with the nomination paper should be duly attested;

IV. The candidate or one of his proposers who presented the nomination paper should be present at the time of the security of nomination papers and the Returning Officers should satisfy himself about the identity of the candidate.

To give effect to the above recommendations, the Commission has suggested amendments to section 33 and 36 of the Representation of People Act, 1951 and forms 2A and 2B of the Conduct of Elections Rules, 1961.

3. The Commission is of the view that restrictions on the political activities of employees of public sector undertakings, Statutory Bodies and Corporations like Life Insurance Corporation and Nationalized Banks are to be imposed in the interest of free and fair
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elections. This situation arose out of the judgment of the Supreme Court in Shyam Lal Sharma V. Life Insurance Corporation of India\(^a\). The Court held that the prohibitions on government servants from participating in political activities and elections are not applicable to the Life Insurance Corporation (LIC) employees. The appeal against the decision of the Allahabad High Court was upheld by the Supreme Court.

4. A new provision should be made regarding taking seat in the House by a member after his election and the oath or affirmation under Article 188 of the Constitution, while amending the sections 67-A and 73 of the Representation of People Act\(^b\).

5. An amendment in the Indian Penal Code should be put forward in light of the recommendations of the Law Commission under section 171-H for illegal payments in connection with an election and for failure to keep election accounts as section 78 of the Representation of People Act, 1951 requires. The Commission’s view is that section 78 and section 171-H of the Indian Penal Code should be made identical and the scope of section 171-H should also be widened so as to provide for punishment for failure to lodge account of election expenses.

6. An amendment in Rule 71 of the Code of Election Rules, 1961, should be made explicit by inserting a new clause 4-A defining ‘next available preference’\(^c\).

7. Regarding the ‘Delimitation of Constituencies’ the Commission has insisted on appropriate amendment in the Articles 82 and 170, etc. of the Constitution. It is meant to revive the Bill which had lapsed
with the dissolution of the last Lok Sabha, so as to permit the fresh delimitation of the constituencies under the Delimitation Act and to reconsider administrative and other changes that have taken place. It was also suggested that seats reserved for scheduled castes/scheduled tribes should be rotated.

8. Assessment of political parties on filing the income returns including compulsory auditing of their accounts should be provided for in our electoral law.

**Goswami Committee Report:**

Another Committee on electoral reforms was constituted by the National Front Government under Prime Minister Shri V.P. Singh in January 9th, 1990, after discussing various aspects of Electoral Reforms with the representatives of political parties in Parliament. Comprising Members of Parliament and experts and headed by the then Law Minister, Dinesh Goswami, the Committee did landable work and submitted its report in May 4, 1990 itself. This Committee had made 108 recommendations in 13 chapters. Most important recommendations are as follows:

1. There should be a multi-member body of the Election Commission with 3 members. The President in consultation with the Chief Justice of India and the leader of the opposition should appoint the Chief Election Commissioner. The remaining two other members/Election Commissioners shall be appointed in consultation, with the Chief Justice of India and the leader of the opposition. The salaries and other perks and allowance shall be similar to that of the Chief Justice of India and Judges of the Supreme Court respectively. The
expenditure of the Commission shall continue to be "voted' as of now. They are not eligible for appointment to any office under Government of India including the Governor after the tenure. The term of their office should be five years or sixty five years of age which ever is later and in no case they will continue beyond sixty-five years and for more than ten years in all.

2. The Committee recommended to set up secretariat of the Election Commission similar to Lok Sabha secretariat for which a suitable legislation is suggested in the line of Article 98(2). The Committee also proposed to amend section 28(A), of the Representation of People Act, 1951 so to subject the officers in duty during the conduct of election under the disciplinary control of the Commission. It is recommended that the Chief Electoral Officer must be exclusively appointed for election work only. The transfer of officers in connection with election should be in consultation with the Election Commission.

3. The officers connected with the preparation and revision of electoral rolls should also be brought under the control and disciplinary jurisdiction of the Election Commission as in the case of officers connected with the conduct of poll.

4. The Committee favoured a detailed examination before extending the jurisdiction of election machinery to elections of Panchayati Raj institutions.

5. Empowering the Commission with the power of contempt is not desired.
6. The registration of political parties contained in the section 29(A) of the Representation of People Act, 1951 should be deleted and it should be left to the Election Commission to decide.

7. The Committee recommended for inclusion of eleven proposals in the model code of conduct as statutory provisions and on violation of these or any of them should be made an electoral offence and not corrupt practice.

8. A person should not be allowed to contest elections from more than two constituency of the same class.

9. The age qualification for contesting elections to Lok Sabha and Legislative Assemblies should be reduced to 21 years and in the case of Legislative Council and Council of States the age should be 25 years.

10. Section 58(A) of the Representation of People Act should be amended enabling the Election Commission to take action on booth capturing even without the report of the Returning Officer.

11. There should be a complete ban on donations by companies and the relevant law should be amended accordingly.

12. Any unauthorized expenditure incurred by any person other than the candidate or his election agent should be prohibited and treated as an electoral offence and that such offence should be made punishable with imprisonment for a period of not less than one year in addition to fine.

13. It proposed state funding of elections through state assistance;
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a. Provision of prescribed quantity of fuel or petrol to vehicles used by candidates.

b. Supply of additional copies of electoral rolls.

c. Payment of hire charges for prescribed numbers of microphones used by candidates.

d. Distribution of voters identity slips now being done by contesting candidates should be exclusively under taken by electoral machinery and all candidates should be prohibited from issuing such slips. The details of the manner and mode of state assistance in the above areas and its implementation should be left to the Election Commission to workout the law should contain minimum enabling provision for the purpose.

14. The state assistance of the above items should be extended only to candidates set up by regular political parties.

15. It is proposed to appoint adhoc judges for timely disposal of election petitions.

16. They proposed certain amendments to Anti-Defections Law which is in 10th Schedule of the Constitution.

17. The Committee recommended for the appointment of expert Committee to examine the present electoral System.

On the basis of the proposals their in, the government introduced four bills in the Parliament to give effect to its recommendations. But the government had to resign on 7, November 1990, before these bills could be enacted.
Peri Shastri’s Recommendations:

In 1990, the Chief Election Commissioner Sheri Perishastri has made certain proposals on the aspect of Electoral Reforms which may be classified into two groups basically:

1. The items aimed to reform of electoral system, namely, relating to Proportional Representation List System regarding, the Commissioner has observed the following points on the introduction of list system:

   (i) The introduction of a List System may have to be accompanied by the abolition of the scheme of reservation of seats;

   (ii) Difficulties would arise in the case of small states which have only one seat or two seats in Lok Sabha;

   (iii) The preparations of candidates by the political parties, in a List System is as complex as in the present system:

   (iv) ‘Even at present our Parliamentary constituencies are very unwieldy in size and we will have to have bigger multi member constituencies for the purpose of any List System’.

   After mentioning the above problems, the Election Commission pointed out that the electorate did become more and more mature and was adjusting to the implications of existing electoral system as at present, the competition was among the top two to three candidates only and the winning candidates were able to secure more than 50 percent of the votes cast in view of these arguments.

2. All the remaining items which are aimed at making the operation of the electoral system more effective, objective, fair and equitable. The
Commission has proposed to remove certain evils which effect effective functioning of the Electoral System.

(i) Among the evils, the most important evils are the misuse of government machinery, during election, by the party in power, delay in disposal of election petitions, and the absence of regular and full time supervisory officers for each, two or more districts.

(ii) There is need for independent secretariat to the Election Commission. The Election Commission must be entrusted with all the powers over the secretariat and there is a need for the formation of Indian Election Service which includes officers and staff. There shall be headquarters and offices of the Election Commission at two districts or three districts in regard to the supervisory officers of the office of Chief Electoral Officers.

(iii) The Commission must have full freedom to fix the dates of bye-election, and for the same there is a need for cooperation from all the parties both in power and in opposition.

(iv) It is recommended that the model code of conduct must have statutory support.

(v) The Commission may have adequate powers to order repoll in an entire constituency. The officers involved in the election work should not be transferred without the prior approval of the Commission.

(vi) There should be realistic ceiling on election expenses. The persons/candidates who are convicted for the electoral offence should be disqualified not merely from being chosen for being a member of a legislature but also for holding any office of profit under
government including the office of a minister for a period of 10 years.

(vii) It was suggested that non-serious candidates should be prosecuted under Section 171E or 171 F of the Indian Penal Code as electoral right under section 171A of the code includes the right of a person to stand or not to stand as a candidate at an election.

(viii) Suggested for the implementation of the recommendation which is being accepted regarding appointment of ad-hoc judges to facilitate the speedy disposal of election petitions.

(ix) Electronic voting machines designed by the Commission would help in measure in dealing with the problem of booth capturing and also the problem of non-serious candidates.

(x) It proposed to continue the existing electoral system rather yielding to proportional representation/List system.

T.N. Seshan’s Proposals on Electoral Reforms:

On 10th February 1992, the Chief Election Commissioner Mr. T.N. Seshan submitted comprehensive proposals of Electoral Reforms to the Prime Minister of India. Some of them have discussed in the earlier chapter. The important proposals are mentioned here:

1. The Commissioner has favored a single-member Election Commission as it has worked smoothly, efficiently and effectively. Another argument infavour of single member Election Commission is the complexity of its function of judicial-cum-executive-cum-legislative, all combined into one. Referring to the decision of the Supreme Court in the case of S.S. Dhanoa Vs. Union of Indian and
others it is pleaded that the view of a multi-member Election Commission is mistaken. It is desired the proposal creating separate Secretariat of Election Commission as proposed in the Seventieth Amendment Bill, 1990.

2. Delimitation of constituencies to be done periodically.

3. Electoral Laws-several commandments are proposed.

4. In respect of conduct of elections the Commission pleaded for more powers to Election Commission.

5. Election Expenses and State Subvention to political parties- suggested for better accounting.

6. The Commissioner suggested new provisions with respect to corrupt practices and electoral offences.

7. Stress should be laid on Political Parties and candidates to follow model code of conduct.

A further attempt in this regard was made by the Narasimha Rao Government which summoned a special session of the Parliament to get two bills-The Constitution (Eighthly-Third) Amendment Bill, 1994, and the Representation of the People (Second Amendment) Bill, 1994, passed. However, the Bills were withdrawn before introduction.

The united front coalition succeeded in partially fulfilling its promise to the people to reform the electoral process in form of the Representation of People (Second Amendment) Bill on 25, July 1996, which was passed unanimously on the same day. The Bill has following features:
1. Candidates will not be allowed to contest more than two seats at a time.

2. No serious candidates will be eliminated from contesting Parliamentary and Assembly elections through a 10-fold increase in the security, from Rs. 500 to 5000.

3. Elections will not be countermanded because of the death of a candidate, in the case of candidates of a recognized political party, the party will have the authority to nominate a replacement within seven days. No such replacement will be allowed in the case of an independent.

4. The campaign period is reduced from 21 day to 14 days.

5. Names in a ballot paper will be arranged in an order which would given priority to the candidates of recognized political parties. The same would be followed by the candidates of regional and other registered parties. The last category would be of independents.

6. Fresh delimitation of Lok Sabha constituencies will be on the basis of 1991 census report.

7. Penalties on official put in charge of election work will be imposed for breach of official duty.

The reforms, though minimal to begin with, can prepare ground for more thorough and comprehensive overhauling of the system with a majority government in power.28

**Dr. M.S. Gill on Electoral Reforms:**

In 1999-2000 Dr. M.S. Gill has submitted his proposals and the most important of them are:29
1. Lowering the age of candidates contesting elections to the Legislative Assembly and Lok Sabha from 25 years to 21 years and in case of elections to the Legislative Councils and Councils of States from 30 years to 25 years.

2. Restriction on contesting election from more than one constituency.

3. Automatic disqualification of a person found guilty of corrupt practice.

4. Compulsory maintenance of accounts by political parties and audit thereof by agencies specified by the Election Commission.

5. Ban on donation by companies to political parties.

6. Registration and de-registration of political parties-strengthening of existing provisions.


8. Expenditure incurred by a political party, etc to be included in the election expenses of a candidate for purposes of ceiling on election expenses.

9. Empowering Election Commission to fix ceiling on election expenses before every General Election.

10. Empowering Election Commission to countermand an election on report from any election observer in addition to Returning Officer.
11. Empowering Election Commission to issue instructions and to make recommendations in connection with elections.

12. The Chief Election Commissioner and other Election Commissioners to be made ineligible for further appointment under the government.


15. Amendment to Anti-Defection Law.

16. Suggestions are made to remove criminalization of politics.

17. Empowering Election Commission to frame disciplinary rules in respect of Election Officers.

18. Ban on transfer of Election Officers on the eve of elections.

19. Proxy voting for service voters should be allowed.

20. Rule making authority to be vested in Election Commission.

21. Making of false declaration in connection with election to be an offence.

22. Making consultation with election officers compulsory for police arrangements.

The Law Commission of India:

On its 170th Report the Law Commission has made a detailed report on Election Reforms but we discussed some important proposals here.

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1. There should be appropriate provisions on State Funding both in the Constitution of India and the relevant legislations, Representation of People Act, 1951 and so on.

2. The State Funding should be available to both the candidates from the party and independent candidates without discrimination. The minor details of eligibility can be worked out keeping in view of the provision.

3. The State Funding should include the subsidy to candidates, the subsidy to party, lump sum grant to candidates, the cost of electronic media support etc. Nevertheless the State Funding should be 50% of the election expenses permitted. The remaining 50% shall be open to donations etc. for which proper accounting has to be submitted to the appropriate authorities.

4. The State Funding should be entrusted to the Election Commission of India and it will be channelised through election expenses Committee.

5. Necessity for providing law relating to internal democracy within political parties.

6. Debarring of independent candidates to contest Lok Sabha elections.

7. The proposal to delete para 4 which deals with merger in the tenth schedule. It is also suggested to delete para 3 of the tenth schedule to the Constitution.

8. The Commission also suggested that the Election Commission is informed in writing by all the constituent parties in the front
coalition before the commencement of the poll that such a front/coalition has been formed.

9. In eligibility of candidates to contest election unless the candidates furnishes the particulars regarding the lawful assists possessed by him, or her and his or her spouse and dependent relations and the particulars regarding criminal cases pending against himself or herself.

10. To achieve the stability in the governance, the Law Commission has proposed to restrict no-confidence motion which is allowed once and not before two years.

Besides the above reports and proposals of various Committees and Commissions given on Electoral Reforms few initiatives has been taken by Concerned Citizens and Civil Society groups to reform the Indian electoral system is really appreciable one such initiative is the case of Union of India V. Association for Democratic Reforms and others. The judgment of the court declared that the candidate wanting to contest elections for Parliament and State Assemblies have mandatory to furnish information by way of an affidavit to be filed along with the nomination paper, details of criminal cases pending against them, if any; their assets and liabilities including those of their dependents; and their educational qualifications which are to be scrutinized by the Retuning Officer. The intention behind the apex court judgment to clean the electoral system of malpractices and this information is to be made available to the voters to enable them to make a informed choice while casting their votes. Thus furnishing of any wrong affidavit is now an electoral offence punishable under section 125A of the Representation of People Act, 1951 with imprisonment for a term upto six months, or with fine or with both. In the light of this case we can
said that changing the electoral system is not going to be easy but it must be done if democracy has to be preserved and strengthened. Concerned Citizens and Civil Society groups will have to work really hard and in a sustained manner to achieve any thing worthwhile being committed to freedom with responsibility all liberals need to contribute to this.

From the foregoing discussion the conclusion emerges that Electoral Reforms are continuous process, the reports and proposals of various Committees and Commissions and other intellectuals given at regular intervals of time seems to be useful if they are properly implemented. Our existing Electoral Laws are quite adequate and the problem is not of lack of laws but the lack of their strict implementation, In order to achieve proper implementation, the following factors are essential:

1. The political parties must commit themselves to implement ignoring their personal interest whatsoever may be for the cause of future.

2. The citizens should be matured enough to appreciate the efforts to put for the implementation of electoral reforms.

3. There should be appropriate and conducive climate for implementation of electoral reforms, both in spirit and will.

4. There should be sound financial management to implement electoral reforms.

5. There should be competent electoral machinery to implement electoral reforms.

6. The Parliament should pass suitable legislation to implement them.

7. Judicial system should be sound for right kind of interpretation and up holding of electoral reforms.
References:


5. *Ibid*, p. 28


7. *Indian Penal Code*, 1860, Section 171 (H), A provision to this effect is to be found in this section, but it has been largely overlooked.


15. AIR 1975 SC 308.


19. In Haryana, An elected Member from the bye-election did not take his seat in the Assembly by taking the requisite oath and the constituency remained unrepresented. This happened as there is no specific time find either in the Constitution or by the Election Law, Report of the Election Commission, 1984, p. 78.


the Lok Sabha and State Assembly Constituencies before the next general elections are held.


31. Supreme Court by its order of May 2, 2002, in Civil Appeal No. 7178.