CHANGES IN THE ELECTORAL SYSTEM: A SIGNIFICANT NECESSITY

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ABSTRACT

After gaining independence, the framers of the Constitution adopted the electoral system prevalent in Britain since the 16th century, known as the "First Past the Post" system. In this system, the candidate receiving the most votes is declared the winner. However, this approach does not provide adequate representation for minority voters. Additionally, party factionalism and strict party discipline undermine democratic traditions, fostering issues like casteism and corruption. To address the shortcomings of the electoral system, implementing proportional representation and a more inclusive electoral framework could be beneficial.

Changes in the Electoral System: A Significant Necessity

India, as the world's largest democracy, can take pride in its 67 years of experience. The peaceful transfer of power between different parties without bloodshed or violence is nothing short of remarkable for such a vast nation. Despite having various political parties and coalitions at both the central and state levels, the country's unity is an undeniable testament to the unwavering faith and commitment of the Indian populace to democratic values.

However, Indian democracy is not without its challenges. Issues such as the politicization of emergencies, armed insurgencies in Jammu and Kashmir and the northeastern states, and other dark stains exist. Yet, despite these circumstances, Indian democracy has continued to grow stronger over time.

The recent elections for the 16th Lok Sabha demonstrated this evolution, as parties that relied on caste, religion, and regional sentiments—such as the Samajwadi Party, Bahujan Samaj Party, Rashtriya Lok Dal, Rashtriya Janata Dal, Janata Dal (U), DMK, and National Conference—faced significant defeats. This indicates that Indian voters have become increasingly aware and discerning.

Today, issues such as inflation, corruption, unemployment, inadequate law enforcement, and weak leadership are far more pressing concerns for voters than caste, religion, or community affiliations.

Weaknesses of the Current Electoral System

The framers of the Constitution adopted the electoral system prevalent in Britain since the 16th century, known as the First Past the Post system. Under this system, the candidate who receives the highest number of valid votes in each electoral constituency is elected. It is believed that this is the most natural system for democratic elections. However, the First Past the Post system has several significant weaknesses:

Underrepresentation

The Indian Constitution grants voting rights to all citizens who have reached the age of 18 and have not been disenfranchised for any reason. However, many individuals do not exercise their right to

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vote. Under the current electoral system, the candidate who receives the highest number of valid votes among those who do vote is declared the winner, which is the system's biggest flaw. In the 16th Lok Sabha elections (2014), voter turnout was less than one-third in Srinagar (25.90%) and Anantnag (28.80%). Thanks to the efforts of the Election Commission, a record voter turnout of 66.48% was achieved in 2014. In Assam, Lakshadweep, Nagaland, Puducherry, Sikkim, Tripura, and West Bengal, the voter turnout exceeded 80%.

Greater Representation for Major Political Parties and Underrepresentation of Smaller Parties

In a single majority system, major political parties enjoy greater representation, while smaller political parties face underrepresentation. A rapidly emerging political party may secure a good percentage of votes at the national or state level, ranging from 10-20%, yet still fail to win a single constituency. In the 16th Lok Sabha elections, despite the Bahujan Samaj Party receiving 4.1% of the votes nationwide and 22.2% in Uttar Pradesh, not a single candidate from the party was able to win an election.

Influence of Criminals and Wealthy Individuals

The experience of Indian democracy over the past six decades indicates that, under the single majority system, many powerful individuals with criminal backgrounds and cases of corruption have been elected to Parliament and state assemblies. Political parties prioritize candidates who are likely to win, regardless of how tarnished their backgrounds may be. Voters are often influenced to vote in favor of certain candidates through the expenditure of both legal and illegal funds. For the average person, contesting elections has become nearly impossible. In the 16th Lok Sabha, the richest MP is Jayadev Galla, elected from the Telugu Desam Party in Guntur, with total assets amounting to ₹683 crores.

Polarization of Votes Based on Religion and Caste

In the democratic governance system, the determination of the winning candidate who can secure a majority to form the government significantly involves religion and caste, especially in India. Political parties select candidates while considering the caste and religious equations in each constituency. Before the voting takes place, the voters who will not be represented by the winning MP or MLA are often predetermined.

Rising Costs of Elections

Over time in India, the cost of Lok Sabha and state assembly elections (funded by the treasury) and the expenses incurred by candidates and political parties have increased dramatically, rising 328 times from the expenditures of 1952 to those of 2014. The spending by candidates has seen an increase of up to 500 times. According to a study conducted by the National Election Fund, approximately ₹30,000 crores were spent on the 16th Lok Sabha elections. Of this, the central government and various state expenditures added an extra burden of around ₹7,000 to ₹8,000 crores.

In the elections of 1952, only ₹10.45 crores were spent, with the election cost per voter being a mere ₹0.00. In the 2014 elections, the total estimated expenditure was ₹3,426 crores, which rose the per capita spending to ₹4,112. This indicates a continuous increase in electoral expenses.

Electoral and Party Corruption and Vote Politics

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Political parties in India have increasingly shifted their focus away from political ideologies, principles, and issues towards vote politics based on caste, communalism, and regionalism. This trend has fostered fragmentation, division, and separatism within Indian society. In their quest for power, politicians often resort to party-switching, making political maneuvering a common practice. During election campaigns, political parties frequently enlist the help of celebrities from the film and sports industries to enhance their popularity.

The misuse of media by political parties for self-promotion and attempts to interfere with the independent functioning of the Election Commission are concerning issues. All these electoral problems pose significant challenges for the Election Commission and finding solutions is a formidable task.

To address these issues, various parliamentary committees, such as the Dinesh Goswami Committee (1990) and the Indrajit Gupta Committee (1998), along with the Law Commission (1999) and the Election Commission (1998, 2004), have proposed reforms. Since 1993, the Election Commission has been structured as a multi-member body. In 2004, the Election Commission presented a report on electoral reforms, prepared under the leadership of Chief Election Commissioner T.S. Krishnamurthy. This report is divided into two parts, focusing on the necessary reforms to ensure free and fair elections.

Part 1 includes proposals that were not raised by the Election Commission in the past but are considered necessary due to the implementation of certain laws or directives from the Supreme Court or High Courts. This part includes a total of 15 proposals.

The proposals listed in Part 1 are as follows:

1. **Filing Affidavits**: Candidates must file affidavits disclosing their criminal records, assets, and educational qualifications.
2. **Increase in Security Deposit**: Increasing the security deposit to reduce the number of non-serious candidates.
3. **Disqualification of Criminals**: To decriminalize politics, not only individuals convicted of criminal offenses should be disqualified, but also those facing trial for serious crimes like murder, rape, or robbery.
4. **Restriction on Multi-Seat Candidacy**: Candidates should not be allowed to contest elections from multiple seats simultaneously.
5. **Regulating Exit Polls**: In elections conducted in multiple phases on different dates, to prevent the influence of media-released election surveys on public opinion, exit polls should only be allowed to be published after the conclusion of the final phase of elections.
6. **Ban on Print Media Ads**: Imposing a ban on advertisements in print media during elections.
7. **Counting Votes from Certain Polls**: If the vote count of a specific poll exceeds that of the winning candidate, disqualifying the candidates.
8. **Account Management by Political Parties**: Political parties must manage their accounts mandatorily and have regular audits conducted by election authorities.
9. **Monitoring Political Ads**: Creating a suitable legal framework to monitor political advertisements on television and cable networks.
10. **Constitutional Protection for Election Commission Members**: Providing constitutional protection to all members of the Election Commission to maintain its independence and establishing an independent secretariat for the Commission.

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11. **Recovery of Election Commission Expenses**: Recovering the expenses of the Election Commission from the consolidated fund of India.

Additionally, other suggestions include:

- Granting the Election Commission the authority to declare re-elections in case of misconduct.
- Establishing penalties for caste and religion-based election campaigns.
- Prohibiting candidates facing criminal charges from contesting elections and expediting the resolution of such cases.
- Creating special election benches in High Courts to address election-related complaints.
- Prohibiting candidates from contesting from multiple constituencies for the same position.
- Mandatory resignation for politicians who switch parties.

Trilochan Shastri - Emphasizes the roles of four stakeholders—political parties, the Election Commission, the judiciary, and the media—in electoral reforms. However, recognizing the limitations posed by these actors being part of the state machinery, he regards civil society as the key driver for desired change.

Best Option for India:

In India, the first-past-the-post system for elections at all levels—from Panchayat to Lok Sabha—has been in place for the last six decades and cannot be altered simultaneously. Expecting the more than 350 million illiterate citizens to easily prioritize between various candidates using a proportional representation system would be unrealistic.

Familial politics have deep roots in Indian politics. Prominent political families, such as the Abdullah family in Jammu and Kashmir, the Badal family in Punjab, the Yadav family in Uttar Pradesh, the Gandhi family in Congress, and the Karunanidhi family in Tamil Nadu, continue to play significant roles in state and central governance.

However, the 10th Lok Sabha elections completely rejected familial politics. The recent assembly election results in Maharashtra and Haryana also indicated a decline in dynastic politics.

In a proportional representation system, sycophancy may peak within political parties, as only those favored by the leadership would be nominated for constituency seats, limiting opportunities for ordinary individuals. There is no limit to innovation in electoral systems, as evidenced by the numerous successful experiments conducted by the Election Commission over the past 60 years.

Until about a decade ago, elections were marked by a cacophony of banners, posters, and loudspeakers. The implementation of the model code of conduct by the Election Commission allowed the 16th Lok Sabha elections to be conducted smoothly and quietly, proving that with political will, the entire electoral process can be made significantly fairer and more representative.

The problem of underrepresentation can be addressed either through a single majority system or by adopting a proportional representation system.

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