

Reforming Our Electoral System

The Election Commission of India (ECI) has introduced several reforms from time to time in the conduct of elections in the country which *inter alia* include switch-over from ballot paper to electronic voting machine (EVM), proxy voting for NRI and service voters, introduction of partial right to rejection through NOTA (None of the Above) in keeping with section 49 of the Representation of People's Act, 1951, induction of Voter Verifiable Paper Audit Trail (VVPAT) for reinforcing transparency in the voting, introduction of Elector's Photo Identity Card (EPIC) to pre-empt impersonation and bogus voting, conduct of elections under the supervision of ECI Observers and Central Police Forces (CPF), use of information technology for bringing further efficiency and transparency in the conduct of elections, bar from contesting elections for the convicted criminals and introduction of a Model Code of Conduct (MCC) during the elections. However, there still remain certain areas crying for attention.

First and foremost, one negative offshoot of EVM voting is the fact that the contesting candidates or the political parties get to know as to which polling stations have voted for them and which have not, something which was not possible in the ballot voting system as all the ballot papers of a particular constituency were duly bundled and mixed before they were actually counted. The latter made it well-nigh difficult to figure out the voting trends. However, one can easily find out from the EVM counting process, as it exists, as to which set of voters has favoured a candidate or a political party thereby making it possible to identify the rival voters and victimise them in various ways. It is learnt that ECI has already suggested to the Government of India the introduction of 'Totalizer' which would pre-empt any such negative eventuality of witch-hunting the hapless voters for their democratic choices as experienced in many regions of the country.

The critics feel that ECI's all effort to cleanse the electoral system of the negative influence of money power goes down the drain once it expects the candidates to spend their own money on election campaigns. Many political parties argue that if the ECI expects a candidate to spend the permissible, within-ceiling amount (Rs 70 lakh for a Parliamentary constituency and Rs 28 lakh for an Assembly constituency on an average), then how does it expect them

to marshal that money for the campaign. The political parties or the candidates are forced to indulge in corruption and corrupt practices because of the huge financial requirements of an Indian election. That is why, many have suggested that ECI should not only increase these expenditure ceilings which are absurd given the size of the constituency, but they should also be customised to the nature and character of the constituency.

After all, the expenditure requirements of a rural or urban constituency or a big or small state can't be the same. Again, while expenditure ceiling for an Assembly constituency is 28 lakhs, it's a measly 70 lakhs for Parliamentary constituency even though the latter has seven Assembly constituencies comprising it. Hence, these expenditure ceilings need to be staggered and customised after factoring the real expenditure requirements of the different constituencies. A big legal discrepancy here is the fact that even if a contesting candidate exceeds ECI-stipulated expenditure ceiling, he/she can't be disqualified to be a legislator. So, in effect, the expenditure ceiling remains a paper tiger in the ultimate analysis.

Another long-time but very important proposal has been the state-funding of election expenses of the contesting candidates. While the proposal involves humongous expenditure for a poor, developing country like India but a beginning can definitely be made with respect to election expenses of, at least, recognised national and state parties polling above a certain percentage of votes and meeting such other conditions as may be specified by ECI. Funding of political parties by corporate houses or businesspersons is also quite opaque. This needs to be streamlined and made further transparent for weeding out the influence of ill-gotten money on our elections and for bringing about a level playing field in our electoral system.

Another incongruity pointed out by the critics is the existence of undemocratic political parties in a democratic country. While all our political parties vouch for democracy and democratic ethos, they themselves run some of the most undemocratic organisations in the country. Most of these parties seldom conduct their organisational elections to elect various functionaries. Organisational positions and posts are handed out as a favour from the party bosses. Entry into a political party's managerial positions is very opaque. Being dynastic, party functionaries are mostly selected than elected.

States like Haryana have shown ways by stipulating minimum educational and other qualifications including owning a sanitary toilet for being eligible to contest elections to the local bodies. It has long been argued that similar minimum qualifications, educational or economic, are introduced for our legislators as well. The usual refrain being that if there could be minimum qualification for a peon or a clerk, then why not for our lawmakers who also hold such significant positions like Ministers, Chief Minister or Prime Minister. Even though such a stipulation could bar a huge percentage of our population from participating in electoral politics, a time has definitely come to start debating the advisability of such a qualification.

Compulsory voting has also been recommended by many given the apathy of a substantive number of voters to come out to vote. Many of us are often found cursing the government of the day for doing or not doing a something but we ourselves have been found wanting in shouldering the responsibility bestowed on us by the Constitution of India, i.e., exercise of our

franchise at the hustings in favour or against a particular candidate which later decides the nature and character of the Government in power.

Hence, it is argued that voting must be made mandatory and compulsory for the voters to have a more representative government unlike a government ruling on depleted voter support. It is further argued that a candidate should, at least, poll a minimum 51 percent of votes before being declared elected. It is also suggested that since our first past the post system does not reflect the real mandate of the people, hence proportional representation could be toyed with so as to give our parliament a more representative character. So a political parties polling 40 percent votes should have at least 40 percent seats in the legislature. However, critics have warned against such a system because of its complications and unsuitability to the complexities of our plural society.

In these times of information technology and against a background when the government has the finger and iris prints of all the citizens in the country through *Aadhaar* Card, it is suggested that ECI should start exploring the possibility of online voting making it possible for more and more Indian nationals to participate in the electoral process from anywhere in the world. At least, the finger and iris prints should soon be implanted in the EPIC cards for removing any possibility of impersonation. One is sure that our democracy shall grow further stronger as and when some of these electoral reforms are suitably introduced to make our elections more and more transparent.

Salient Points

- ECI has introduced several reforms for free and fair conduct of elections.
- One negative offshoot of EVM voting is the fact that the contesting candidates get to know as to which polling stations have voted for them and which have not.
- Candidates are forced to indulge in corrupt practices because of the huge financial requirements of an Indian election. ECI should increase these expenditure ceilings.
- Even if a contesting candidate exceeds ECI stipulated expenditure ceiling, he/she can't be disqualified to be a legislator.
- One proposal has been the state-funding of election expenses of the contesting candidates.
- Another issue is the existence of undemocratic political parties in a democratic country.
- Minimum qualifications, educational or economic, should be introduced for our legislators as well.
- Voting must be made mandatory and compulsory for the voters to have a more representative government.
- Proportional representation as against first past the post system could be toyed with so as to give our parliament a more representative character.
- ECI should start exploring the possibility of online voting making by implanting the finger and iris prints in the EPIC cards for removing any possibility of impersonation.

Glossary

Nigh: almost

Hapless: unlucky