

# Electoral reforms

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The stigma of British electoral process has started showing its weaknesses in the free and independent India. After forty years of the independence, the political parties have now started talking about the electoral reforms. In fact, a very good move has been made by the Central Government by passing the Constitution (fifty second amendment) Act, 1985 which inserted the X Schedule to the Constitution. This major step seeks to prevent 'floor crossing' to a larger extent. But the experiences have shown that in Pondicherry, Punjab and Tamil Nadu even those accepted norms have been thrown out. In Pondicherry one third of a party (AIADMK) truncated itself and formed a new party. This was not accepted by the Speaker of the Pondicherry legislature who in turn disqualified two of them under the provisions of the Constitution (fifty second amendment) Act. The Punjab High Court has declared Section 7 of the fifty second amendment as unconstitutional and the same is pending

before the Supreme Court. A new development has taken place in Mizoram too. These are some of the effects of the Constitution (fifty second amendment) Act, 1985.

The reasons for such an attitude to a decent reform have not only corrupted the political life but also resulted in the autocratic decision making by the Speakers. The citizens of India are puzzled at these developments. What is even more alarming is the attitudes of the political parties. Each party has proposed a series of electoral reforms. The ruling party has introduced and passed two legislations of electoral reforms in the recently concluded session of the Parliament. In this regard, there are two fundamental questions raised against these attitudes. They are: (i) Why should the electoral reforms be introduced and passed during the last few days of the session of the Parliament? If one has waited for about forty years, why this hurry? (ii) Any electoral reform without the peoples' consent

and initiative will not be a complete reform by itself. If so, what is the role played by the "Public Opinion" in regard to the electoral reform?

With regard to the first question, the Parliament will not be justified in simply bringing the electoral reforms and imposing the same on the citizens. There is no proper consultation with the opposition parties. Apart from this, there must be a dialogue between the political parties and the people on the issue. Seminars and conferences should be conducted by the educational institutions and by the Government. Even public recommendations for the electoral reforms must be invited. If these are not taken into consideration, the proposed electoral reforms will stand as another piece of legislation without any relevance. Indeed, it has become the political culture of our country wherein the politicians dictate and the mass receive those dictates. At the same time one should not jump to the conclusion that all the proposed electoral reforms are one sided and hence useless. There are good proposals too. These good proposals can become better if they receive the acknowledgement from the people.

To understand the positive side of the reforms, it is also important to go through some of the main features of the electoral

reforms passed by the Parliament, which will include the following:

- 1 Lowering of voting age from 21 years to 18 years;
- 2 To deal with the electoral malpractices and for ensuring free and fair poll;
- 3 To do away with Communal parties from participating in elections;
- 4 To do away with the practices of using religious places for political purposes;
- 5 Elimination of caste, money and muscle power;
- 6 Disqualification from contesting in the election if one has been convicted of an offence for promoting enmity between different groups on grounds of religion, race or language. Persons preaching and practising untouchability, indulging in smuggling, convicted for FERA violations, Narcotic Drugs and Psychotropic Substances Act or Terrorist and Disruptive Activities (Prevention) Act will also face disqualification for six years; and
- 7 Enhanced punishment for booth capturing.

With regard to the second question, the Indian citizens are a frustrated mass, plagued with evergrowing population, illiteracy, unemployment and hunger. As such their voting behaviour have been misused by the political parties to their advantage. There is competition among the political parties in attracting the people but there is no coordination between the parties and the people. Some of the major defects in the electoral process which have certainly exceeded the limits are as follows:

- 1 Impersonation;
- 2 Booth capturing;
- 3 Violence;
- 4 Use of official machinery; and
- 5 Political corruption

Apart from these, there is no law to regulate the political parties or their funds. This has produced disastrous results leading to arbitrary fund raising by the parties in their own way leading to corruption in all walks of life. The Election Commission had also suggested in one of its reports for the comprehensive registration of political parties, periodic inspection and publication of their accounts. Moreover the influence of black

money and muscle power in elections must be eliminated.

Irrespective of all these things, neither the people nor the Government have understood their implications and their effects. It has taken more time for us to come to a conclusion that there is a need for electoral reforms. Having come to a conclusion, can the people allow these electoral reforms to be unilaterally passed by the Parliament without consulting the general public? Is it not the duty of the Parliament to take the people into confidence and initiate a dialogue for common good? If so, can the people arise to the occasion and be a party to the progress rather than being forced into the progress.

To conclude, it may be stated that the present electoral reforms may not be comprehensive and might lead to greater controversies at a later stage as they have been passed in a hurried manner by the Parliament. This makes one feel that these reforms are superficial in nature and much has to be done in greater detail to bring an overall change in the electoral process. Parliament can make its electoral reform legal by passing the Bills but not legitimate.