

Elections and Electoral Reforms: An Imperative for Bringing Good Governance in India

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Abstract

India adopts parliamentary democracy as our system of governance. Its aim and foundation is to provide public welfare to her citizens. However, over the past several years, the whole idea of good governance or doing 'good' to the people or solving their problems could not be achieved properly. Instead, it has widened the gap between the elected and the electors. So, drastic electoral reform is required in order to streamline the system to achieve good governance because the state of affairs depends very much on the type of representatives the voters elect in the elections.

Key words: Election, Unresponsive government, Accountability of political parties, Electoral reform, Good governance.

Introduction

For election of the representatives of the people, the Indian Constitution provides for two methods of elections viz. *direct election and indirect election*. Members of the Lok Sabha and the State Legislative Assemblies are directly elected by the people. After considerable debate in the Constituent Assembly and its Committees, the founding fathers decided in favour of direct elections to these *houses*. In the Indian democratic system, these legislative bodies known as the *lower or popular house(s)* are the centres of peoples' power. The directly elected representatives are directly responsible to the people for all their acts. There is *indirect election* in respect of the

Rajya Sabha, State Legislative Councils, known as the upper house(s), President and Vice-President of India.

India, being a parliamentary representative democracy, the electorates elect their representatives who will rule them during the next five years period. In this parliamentary system of government, her people live under a system where elected representatives make the *laws* and take the *administrative decisions* for the general welfare of the peoples.

However, during the 60 years of the working of our parliamentary democracy, serious questions are being raised about the survival of our democracy. Over the years the country has been facing acute

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problems on all fronts. Kashyap (1996) wrote "But, politics gradually degenerated into a struggle for power for its own sake. Power for personal ends became the supreme value. Politics became a lucrative profession and came to be regarded very much as the art and science of somehow getting to positions of power and by all possible means staying there. In this scheme of things, Government was little more than the technique and the machinery of governing or ruling over the people, of keeping them under control, of the ruling classes of politicians dominating over the rest of the populace, of the masters enjoying the exercise of power over the masses. Politics became the means to power and Government the manifestation of the quest for domination." He again stated that "In the so-called representative parliamentary democracies like ours, things have come to such a pass that those in Governance are so preoccupied with the struggle for survival in power that they have no time for addressing their attention to the problems of the people. Governance has become a casualty of Government. Howsoever sad, it is not surprising, therefore, that there has been such a sharp erosion in the respect of the people for the politicians. In large parts of the country, Government does not exist. Mafia gangs terrorise and rule, even the thin dividing line between the politicians and criminals has disappeared. Politics has been criminalized and crime politicized. Earlier, the criminal sought the protection of the politician, now it is the politician

who needs the protection of the dadas or the two have become one and the same person. Governments have lost their credibility, legitimacy and even their representative credentials". In the process, there has been increasing distance between the people and the governments. The governments become unresponsive to the peoples' needs and aspirations. This gap of distance between the electors and the elected gradually grows bigger.

Sometime back, Prof. S.R.Hashim, Advisor in the Planning Commission for Perspective Planning, had observed that "one of the most important sources of tension and social strains in the working of our institutions of parliamentary democracy is the widespread feeling that the "distance" has been increasing rapidly, between the centres of decision making and those who are affected by such decisions. There is also a feeling that the distance between the 'elected' and the 'electorates' is becoming too large. Due to this palpable feeling of 'distance' our elected representatives cannot really be 'accountable' to the individual that they represent. There is no way such accountability can be enforced or practiced at every layer" (Dharmadhikari, 1997).

Many thinkers, politicians, academicians and social activists seem to attribute the decline and deterioration in the above institutions, to the moral downfall of Indians, the absence of values and Gandhian selflessness and commitment etc. Hence, the need for an

inquiry into India's current system of governance, which acts through the elected representatives, has been present for a long time.

Electoral Reforms

The election of peoples' representatives through free and fair elections is the sine qua non of democratic system. Since independent India adopted a representative democratic form of government, the framers of the Indian Constitution were conscious of this essential condition and hence they provided for autonomous election machinery for handling the vitally important function of conducting elections in India. The Constitution of India provides for a well-structured, well organized, efficient and an independent election system which has been designed to meet the objective of holding regular, free and fair elections in the country. Part XV of the Constitution of India, concerning Article 324, lays down that "The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission" called as the Election Commission (Bakshi, 2003). Hence, the conduct of elections in India and to ensure free and fair elections is the sole responsibility of the Election Commission. This autonomous institution superintends, directs and

controls all aspects of electoral process in India.

Since the inauguration of the Constitution, the election system has been in operation. It has worked quite satisfactorily over the past six decades. The efficacy of electoral process in India can be assessed from the successive elections the country has had in the last more than sixty years.

However, there is every need to reform this system in the light of our past experience. The need to check electoral malpractices, to reduce the gap between the electors and the elected, to secure and increase participation of the voters in elections, etc. has given rise to a strong demand for reform in it.

No doubt, some incremental reforms have so far been made but several scholars, leaders and political parties are still in favour of several other important and needed reforms, though a consensus is yet to emerge in respect of the desired reforms in the election.

The perennial concern of political science has been to find out the best system that would throw up the right kind of rulers. Right from the first general election, the need for electoral reforms has been the subject matter of every wide ranging debate among academicians, politicians, administrators and others. Various Commissions, Committees, Seminars and Workshops have from time to time made comprehensive recommendations for electoral reforms.

Practically every report of the Election Commission has contained reform proposals. Every successive Chief Election Commissioner has applied his mind to this matter and on the basis of his own experience made suggestions. Seshan went a step further and actually assumed powers himself to implement several of them (Kashyap, 1996). For some time now, there has been a debate in India on reforms to the political structure including electoral reforms (Chopra, 1998). Most of the suggestions made by the Election Commission from time to time for reforming the election law and practices are aimed at ensuring free and fair elections through better conduct, superintendence, direction and control of the electoral processes (Kashyap, 1996).

So far, among the recommendations we have had earlier, the recommendations made by the all party Dinesh Goswami Committee on Electoral Reforms had the widest support and its report was adopted unanimously. The Lok Sabha also passed a resolution on electoral reforms unanimously. Successive governments have more than once promised on the floor of the house appropriate legislation to bring about comprehensive electoral reforms. But neither the Lok Sabha resolution nor the Goswami Committee recommendations or the government assurances have so far been implemented. The hard fact seems to be that despite their presenting a different public face, in reality none of the political parties may be interested in bringing about electoral reforms. The status quo suits them all

(Kashyap, 1996). Unfortunately, the representatives of the people who need to take up this issue seriously have no inclination to do so because most reforms are aimed at institutionalizing the political process that goes against the interests of individual actors by reducing their ability and clout to manipulate things. But as the issue heats up, what is likely to happen is that some piecemeal reforms will be brought in – some on the electoral front, some elsewhere (Chopra, 1998, p42). Little attention has been paid to this matter till date. The malady is deeper and calls for systematic reforms today.

In fact, the purpose of the electoral exercise is to enable the people to choose their representatives with free and fair poll because free and fair polls constitute the roots of representative democratic polity. But do the people really elect their representatives/rulers in this manner, has been a big question since a long time back. In brief, all electoral practices, including malpractices and corrupt practices emanate from the existing electoral system that the country has adopted and from which the practices flow.

At present, we experience no free and fair elections. Though elections form the backbone of our parliamentary representative democracy, there is not much scope for giving a platform for peoples' participation in the affairs of the State. The true character of free and fair elections is increasingly being marred by muscle power, money power, attempts at booth capturing, appeals to caste,

community, ethnicity, impersonation voting, criminalization of politics, misuse of governmental machineries, violation of election code of conduct, rules, instructions etc. in trying to capture power by hook or by crook. The existing electoral system in the process has developed a great many distortions and negativities during the past many years. As a result, it has become ineffective to deal with these unhealthy forces thereby degenerating the true spirit of representative governance. It is in this background that the urgency of electoral reforms assumes important (Singh, 2009, pp 574-575).

Despite several electoral reforms that had already been made and more proposals for reforms which have been suggested by different personalities, the following few reforms, are also required in order to bring good governance in the country at large.

To Restrict Mushrooming of Political Parties

A political system is considered democratic only when its people are given the right to organize their political parties. It is also considered as having a real democratic system only when at least two parties are involved in the struggle for power. A political system with one party system cannot be accepted as having a democratic system. Without political parties, elections cannot be held. Infact, we cannot conceive of a modern political system without political parties. As such,

Indian political system, as a liberal democratic system and with a parliamentary form of government, has been living with several political parties which are actively engaged in the struggle for power.

However, in the process, the Indian political system has been over-flooded with hundreds of political parties. There seems to be flourishing cottage-industry in political parties. This industry gets galvanized especially on the eve of elections. Verma (1998) categorically stated that "...Why should there be so many parties? What is so different about their ideologies? Why can't the 'lot of the common-man' and the 'all-round development of the nation' be the only ideology for our political parties...Who cares for the leftist or the rightist or the centrist ideology in a chaos and confusion that is rampant in our society today?."

The mushrooming of political parties creates problem and burdens to the entire election process as well as instability in government. The result is that during election time it begets several problems in the allotment of election symbols, the printing of ballot papers, cost of conducting election etc. So, growing of election-oriented political parties should be checked and restricted by laying down several criteria. Kashyap (1996) wrote that "Mushrooming of political parties must be prevented and their number drastically reduced by law providing for a reasonably higher percentage of nation-wide or state-wide

vote being compulsory for recognition and registration as a national or state party...Not only should the political parties be clearly defined by law but apart from the present registration with the Election Commission for purposes of election law, allocation of symbols etc., their registration should be made obligatory either under the Registration of Societies Act or under a separate law which should be enacted by Parliament for the purpose.” Besides, a party must be at least a few years old before it can contest any election. Only national parties may be allowed to contest Lok Sabha election while State parties can seek representation in Rajya Sabha and contest elections for the House(s) of State Legislature. In brief, there should be a categorical provision for registration and recognition of parties along with provisions for deregistration of parties that fail to comply with the requirements of law. And no such party should be allowed to set up any candidate for election to any Legislature. This will minimise the growth of unrestrained number of political parties in the country.

Accountability of Political Parties

This is another area which needs urgent electoral reform. This emanates from the fact that there is no accountability on the part of political parties. They just contest elections but do not give thought to what they ought to do as a political party in the post-poll scenario. As a result, “During the past half-a-century, there has been a slow but steady erosion of

democratic values in Indian polity. Political parties play a vital role in the running of democracy. People in India are tired of political parties...Politicians in India consider political-parties to be their political-damsels which could cater to their personal interest; there is no element of ideology, policy or programme involved in the making or unmaking of political parties. Such political parties are irrelevant for our democracy, yet they create confusion in the popular mind and lead to a distortion in the outcome of ballot. Even the established political parties are so indifferent to their own sense of responsibility and accountability that they have only earned the wrath and ridicule of the electorate. People are fast losing their faith in the political parties, political-process and the political-system...Indian political parties only are to be blamed for political instability in the country. India must not only debate stability through constitutional means, she must also debate stability through political means” (Verma, 1998). And “... we need to establish strict norms of public accountability. Democracy without accountability is a free for all environment which promotes exploitation, corruption and autocratic overlords who constitute present and future danger to the nation...Our democracy must attempt to build accountability in the system. And this is impossible without structural political reform” (Chopra, 1998, p 42). Openness of the party to the citizens must be maintained at all cost.

Qualification of Candidates

One needs to possess certain qualifications for holding a particular job, public office etc. Then, why not for the candidates who are supposed to hold a dignified post if elected. A layman or criminal playing politics cannot be the right and deserving proposition to hold such a prestigious post. Kashyap wrote “Basic educational and other qualifications should be laid down for contesting election to various offices. Persons with criminal antecedents should not be allowed to contest any election. First conviction should be enough to indicate criminal antecedents”. No person with criminal antecedents or defector should be allowed to occupy any public or party office or to remain a legislator. Hence, there must be some specific qualification for the aspiring candidate to fight the elections. The law should place certain criteria or prescribe a minimum educational qualification for candidates, perhaps a university degree, along with other past records of criminal antecedents, service to the people etc. This may limit and reduce the mushrooming of candidates thereby reducing the electoral expenses to be borne by the State (Singh, 2009).

Ban Criminals from Contesting Election

It is a common knowledge for all that our houses of legislatures is represented by a large number of history-sheeters, mafia dons and persons with criminal background including those charged with

serious crimes like murder, rape, smuggling, kidnapping and dacoity. Such persons with criminal backgrounds became candidates for Lok Sabha and State legislatures. Many of them got elected. Hundreds of sitting members in the Lok Sabha and in the State Legislatures all over the country were believed to belong to the category. So, proper law must be initiated not to allow them to contest any election. Those with a criminal record or with serious criminal charges pending against them, must not be eligible for contesting elections until they are cleared (Kashyap, 1998, pp 44-45).

Enforce NOTA Option

The term “NOTA”, means “none of the above”. It is a button for negative vote for those who have no any option of any of the candidates in the list. It is also a vote for rejection under Rule 49-0. The voters were given this right to “reject the contesting candidates” if they do not like to elect them, by pressing the button NOTA. The voters can express disapproval of candidates without being identified. However, this won’t affect poll outcome and the candidate with maximum votes will be declared elected.

India is the 14th country in the world to allow secret negative voting NOTA. The idea of rejecting the candidates is in practice in thirteen other countries of the world in the form of “neutral voting”, “protest voting” and “negative voting”.

The NOTA option was for the first time introduced in India during the

assembly elections conducted in 2013 as per Supreme Court ruling on 27th September 2013. The Apex Court had given this path-breaking verdict holding that the voters have a right to reject all candidates contesting polls in a constituency. The apex court had said that there was a “dire need” of negative voting which will bring “systematic change” in the election process. “Political parties will be forced to accept the will of the people”. This would compel political parties to field clean and sound candidates who are known for their integrity.

It is said that “by providing NOTA button in the EVMs, it will accelerate the effective political participation in the present state of democratic system and the voters in fact will be empowered” (Singh, 2009). However, eminent persons like Kashyap wrote that the “Provision of negative votes may be considered but again in an atmosphere of illiteracy and ignorance, it would hardly work”. Though the larger electorates in the country are illiterates, they are empowered with the right to vote by the supreme law of the land considering that those who have attained the age of 18 years have the sense to choose their true representatives for their future. So, implementing NOTA option in elections throughout the country as early as possible would streamline the electoral system in the country. This NOTA option will also really minimize the number of dummy candidates during election.

Re-call

It is said that people are “sovereign and powerful”. Sirsikar (1973) rightly pointed out that “the general elections endow a temporary personality to the common citizens. They are crowned as “the sovereign voters”. According to Dharmadhikari (1997), “The Constitution of independent India places a-priori confidence in every citizen being sovereign, regardless of poverty or illiteracy or strength...”. The electorates are considered as the ‘sovereigns’ having the power either to elect or not to elect their rulers. In a sense this sovereignty is very real as the voters collectively decide upon the set of elites who would rule the next term of five years. But at the same time the sovereignty is very transient. This sovereign power is limited to a few moments. It lapses the moment the voters stamp the ballot papers to elect their representatives. For the rest of the period till the next election comes, they are powerless. They do not have further control over their representatives when the latter indulge in undemocratic practices such as defection/re-defection/floorcrossing, corruption, scams, scandals etc.

No elite, neither the elected nor the defeated feels concerned about the sovereigns for five years. The voters return to their daily drab routine without their crowns. So, today seeing the unresponsiveness of the elected representatives towards the myriad problems of the people whom the

Constitution has crowned as the “sovereign voters”, there has arisen the necessity to adopt and introduce into practice the devices of Direct Democracy as prevalent in Switzerland as the only devices to check the unethical and irresponsible behavior of the legislators. Dharmadhikari (1997) wrote that “In order to reinforce the bond of responsiveness between the elected and the electors, there will be a “damocle’s sword” of re-call, over all the elected representatives with a 10 percent of electorates signatures to demand and schedule a re-call referendum on any elected representative and he will stand down from his elected office if there is a minimum 50 percent vote for his removal”. Only then they can be checked by due process when the situation arises.

Empower the Election Commission

The Election Commission should be given “Statutory powers”. The law must empower the Commission to disqualify any candidate and de-recognize or de-register any political party on valid grounds such as violation of the election codes, rules, instructions and laws, without enabling the candidate or the political party to appeal to the judicial courts. This will strengthen the holding of free and fair polls at large.

Strengthen Electoral Laws

The election Model Code of Conduct formulated by the Election Commission of India to be adhered to by the political parties, their contesting candidates, the party in power etc. during elections has

been in many cases violated by the stakeholders in the election. As suggested by several eminent personalities like Kashyap, those found guilty of violating the code of conduct or of any electoral offences or of defection from their party should be barred by law from membership of legislature and holding of any public office for a period of 10 years.

Good Governance

Before we come directly to the term “Good Governance”, it is better to have an understanding of the term “Government” and “Governance” first. According to Ashok Mukhopadhyay (as cited in Prasad, 2002), “Government refers to the machinery and institutional arrangements of exercising the sovereign power for serving the internal and external interests of the political community,” while “The Governance means the process as well as the result of making authoritative decisions for the benefit of the society.” The UNDP work on Governance defines ‘Governance’ as the exercise of economic, political and administrative authority to manage a country’s affairs at all levels. Governance encompasses every institutions and organisations in the society, from the family to the state, and embraces all methods –good and bad –that societies use to distribute power and manage public resources and problems. “Governance also refers to the forms of political system and the manner in which power is exercised in utilizing the country’s economic and social resources for development. It deals with the capacity

of the government to design, formulate and implement policies, and in general, to discharge government's functions. Governance is associated with efficient and effective administration in a democratic framework" (Minocha, 1998). In general, Governance is the exercise of political, economic and administrative authority to manage a nation's affairs.

However, in recent years "Government" or "Governance" has not been the prime issue of concern for all. According to Kashyap (1996), "...Even self-government or good government is not enough... In recent years, considerable attention in the academia has been devoted to problems of realizing 'good governance'. Both in developed and developing parts of the world, there has been a welcome shift of focus from traditional concepts of government and politics to the concept of good governance and its attributes."

While talking about 'good governance' "It is equivalent to purposive and development oriented administration which is committed to improvement of quality of life of the mass people. It implies the high level of organizational effectiveness. It also relates to the capacity of the centre of power of political and administrative system to cope up with the emerging challenges of the society. It refers to the adoption of new values of governance with a view to establish greater efficiency, legitimacy and credibility of the system. In simple terms, governance can be considered the citizen-

friendly, citizen-caring and responsive administration" (Minocha, 1998).

Good governance also, among other things, ensures that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources. It is also equitable and promotes the rule of law fairly. Effective democratic forms of governance rely on participation, transparency and accountability. Good governance is, therefore, a subset of Governance, wherein public resources and problems are managed effectively, efficiently and in response to critical needs of the society.

Hence, "What has become a categorical imperative is clean and quality governance as it affects the lives of the people. The whole idea of good governance is that of giving, of serving and of doing good to the people, or solving their problems and making their lives more livable, satisfying and enjoyable. It comes close to Gandhiji's concept of politics for service of the people and not for becoming masters of the people... The essential pre-requisites for quality governance are that the system should be good and suited to the needs, aspirations, background and ethos of the people concerned and that those selected for operating the system should be endowed with character and competence and motivated by the spirit of public service... The end of all economy and polity was social good and improvement in the quality of human life. Human beings were not to be considered as amere

resource for administration or development but they were the ultimate end and all administration, development etc. were the resource for their good...in Western thought, e.g. in Plato's Republic and Aristotle's Politics, the supreme concerns and objectives of all political activity happened to be those of providing good governance to the people and for the purpose devising the best political system and finding the best kind of rulers" (Kashyap, 1996).

Conclusion

To conclude it may be said that today our social fabric has been so badly tattered, and the people so sadly segmented and fragmented on caste, community and other narrower lines. Problems of varied nature are coming up one after another. The very foundation of governance to provide public welfare to a vast majority of the deprived segments of the population or solving their problems has considerably failed. It seems that the state of affairs has gone beyond its ability to control and remedy it. The blame, for which, largely belongs to the system of elections.

To correct today's unresponsive system of governance, the change over from the present system to the proposed one is required. Since the governance of the state of affairs depends very much on the type of representatives the voters elects in the elections, radical electoral reform to remedy it is to be advocated. It is the

need of the hour. Patchwork electoral reforms will not help. Since response has to match the challenge, piecemeal electoral reforms undertaken will not succeed in stemming all the rot.

However, the most difficult question is that of the mechanism for bringing about the needed reforms. In view of the nature and the magnitude of the problem, there can be no soft solutions. Because; political parties are the main players in the drama of elections. They are the ones who have the greatest vested interest in the status quo but those who can bring about the changes. So, no electoral reform proposal can be considered without reference to their character and role.

Even then, it can be implemented; only when there are sincere efforts on the part of those who can do this. So, the need of the hour is for an '*integrated approach*' to review our entire socio-political system and constitutional edifice with electoral reforms high on the agenda. Strong and honest political will is required to take on wide ranging actions. Our motives must be transparent and not suspect to bring about the dawn of good governance in our country.

The above suggestions for action in the direction of ensuring good governance are offered for consideration. By bringing out the proposed electoral reforms, the idea of "*Good Governance*" could be achieved in India.

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“Success is about creating benefit for all and enjoying the process. If you focus on this & adopt this definition, success is yours.”

~ Kelly Kim