



MAINS iMPACT 2025

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ELECTORAL REFORMS

SYLLABUS:

GS 2 > Polity >> Elections

REFERENCE NEWS:

The Supreme Court agreed to examine a petition seeking a **complete ban on cash donations, even up to ₹2000, to political parties**. A Bench of Justices Vikram Nath and Sandeep Mehta issued notice to the **Election Commission of India (ECI)**, the Union government, CBDT, and **13 major political parties**.

- The petition challenges **Section 13A(d) of the Income Tax Act, 1961**, which allows political parties to receive **cash donations up to ₹2000** while still claiming tax exemption.
- The petitioner argues that this creates a **loophole** enabling anonymous donors to split large sums into small cash deposits, undermining transparency.

Petitioner's Arguments

- Cash donations below ₹2000 violate **Article 19(1)(a)** (right to information) as voters cannot know the true sources of political funding.
- All contributions, irrespective of amount, should require **full disclosure** name, PAN, address, mode of payment.
- Political parties often file **incomplete or delayed Form 24A** contribution reports.
- ECI must impose penalties under **Paragraph 16A of the Election Symbols Order**, including suspension/withdrawal of party symbols.

Relief Sought

- Ban all cash donations.
- Bring every political contribution under the **income-tax reporting regime**.
- ECI to appoint **independent auditors** to scrutinise party accounts.
- Mandatory disclosure of all donor details for transparency.

The Court will hear the matter in the coming weeks.

ELECTIONS IN INDIA:

India follows a **parliamentary democratic system** based on **universal adult suffrage**, where elections ensure the peaceful transfer of power, democratic legitimacy, and citizen participation.

- **Articles 324–329: Superintendence of Elections**

- **Article 324** entrusts the Election Commission of India (ECI) with the power of **superintendence, direction and control** of elections to: Parliament, State legislatures, Offices of President and Vice-President
- **Mohinder Singh Gill v. CEC (1978)**: SC held that Article 324 is plenary in nature, allowing ECI to act where the law is silent.
- **Election Funding System**
 - Donations above ₹20,000 must be declared (**Section 29C, RPA 1951**).
 - Cash donations up to ₹2000 permissible under **Section 13A(d) IT Act**.
 - SC struck down **Electoral Bonds (2024)** for violating voters' right to information (Article 19(1)(a)).

NEED FOR ELECTORAL REFORMS IN INDIA:

Electoral reforms refer to **systematic changes in laws, institutions, and processes** to ensure **free, fair, and transparent elections**. In India, with the world's largest electorate, reforms are essential to preserve the **integrity of democracy** and strengthen the legitimacy of political representation.

- **Rising Role of Money Power**: Excessive use of money undermines equality of political opportunity. Campaign expenses often exceed legal limits
 - **2024 Lok Sabha Elections** were the **most expensive in India's history**, with estimated expenditure of ₹1,00,000 crore (CMS Report)
 - ADR analysis shows **>55% of political party income** comes from "unknown sources", indicating opacity.
 - **PUCL v. Union of India 2003**: SC held that voter's right to know the financial background of candidates is part of **Article 19(1)(a)**.
- **Opaque Political Funding**: Cash donations up to ₹2000 create avenues for anonymous contributions. Form 24A disclosures remain incomplete and delayed.
 - SC (2024) **struck down Electoral Bonds** as unconstitutional due to lack of transparency.
- **Criminalization of Politics**: ADR (2024) reports, **46% of MPs have criminal cases, 31% face serious charges** (murder, rape, kidnapping). Voters lack adequate information or are influenced by patronage networks.
 - **Association of Democratic Reforms (2002) & Lily Thomas (2013)**: SC mandated disclosure of criminal records and immediate disqualification on conviction.
- **Weak Internal Democracy in Political Parties**: No transparency in selection of candidates. Dynastic control, lack of elections within parties.
 - Law Commission (255th Report, 2015) highlighted absence of internal democracy as a major threat to electoral integrity.
- **Misuse of Government Machinery & MCC Violations**: Frequent MCC violations through hate speech, communal appeals, misuse of state advertising machinery, star campaigners using polarizing language. ECI lacks punitive powers beyond warnings and campaign bans.
- **Electoral Roll Errors and Booth Management Issues**: Duplicate voter entries. Missing names. Allegations of fake voters in states like Maharashtra and Delhi.
- **EVM-VVPAT Transparency Concerns**: Public trust in the electoral process requires confidence in machines. SC (2024) rejected full VVPAT verification; allowed 5% chip verification in suspicious cases. Opposition parties continue to demand 100% matching.

- **Low Voter Turnout & Disengagement:** Urban centres like Mumbai, Bengaluru repeatedly show turnout below 55–60%. Youth and migrant population under-represented.
- **Fragmented Electoral Laws:** Multiple laws Representation of Peoples Act 1950 & 1951, Delimitation Act, Election rules and Conduct rules. Dinesh Goswami Committee (1990), Law Commission Reports (170th & 255th), Tarkunde Committee, Indrajit Gupta Committee on state funding. All have repeatedly recommended consolidation and modernization.
- **Rise of Hate Speech & Information Manipulation:** Social media misinformation, deepfakes, micro-targeted advertising can manipulate voters. Deepfake videos of candidates during 2024 polls highlighted vulnerabilities.

ELECTORAL REFORMS IN INDIA:

Reforms Before 1996

- **Reduction of Voting Age (1988): 61st Constitutional Amendment** lowered voting age from 21 to 18. Brought millions of youth into democratic participation.
- **Introduction of EVMs (1998 onwards):** Began in Rajasthan, Delhi, Madhya Pradesh (1998). Universalised by 2004 Lok Sabha elections. Reduced booth capturing and invalid votes.
- **Photo Electoral Rolls (EPICs):** Introduction of **Elector's Photo Identity Cards**. Stopped impersonation and multiple voting.
- **Booth Capturing Laws:** RPA amended to **countermand elections** where booth capturing occurs.

Reforms After 1996

- **Listing of Candidates by Category:** Candidates grouped as Recognised parties, Registered unrecognised parties and Independents
- **Strengthening MCC Rules:** Prohibition on **distribution of liquor** 48 hours before polling. Ban on campaigning after specific deadlines.
- **Restrictions on Multiple Constituency Contests:** Candidates permitted to contest **only two seats** (earlier unlimited).
- **Time Between Withdrawal & Polling Reduced:** From **20 days to 14 days**, reducing malpractices & horse trading.

Reforms from 1997–2009

- **Mandatory Disclosure by Candidates (2002–2003): SC in ADR v. Union of India (2002)** mandated disclosure of criminal cases, assets/liabilities, educational qualifications
- **Open Ballot for Rajya Sabha (2003):** To prevent cross-voting and bribery.
- **Proxy Voting for Armed Forces (2003):** Soldiers allowed to appoint a proxy voter.
- **Reforms in President & Vice-President Elections: 50 proposers** for President (earlier 10), **20 proposers** for Vice-President (earlier 5)
- **Exit Poll Restrictions:** Prohibited publication until EC's notified period ends.
- **Postal Ballots Expanded:** Allowed for certain services, essential workers, senior citizens above 80 (later expanded further).
- **Free Access to Media:** Political parties given **free & equal airtime** based on past electoral performance.

- **Voting Rights for NRIs (2010):** Non-resident citizens allowed to vote in their home constituencies.
- **Online Voter Registration (2013 onwards):** Simplified enrolment via NVSP portal.
- **NOTA (2013):** Introduced as per **PUCL v. Union of India (2013)**. Strengthened voter freedom under Article 19(1)(a).
- **VVPAT (2013–2019):** Voter Verifiable Paper Audit Trail to enhance transparency. Mandatory in all elections from 2019.
- **Immediate Disqualification upon Conviction (2013): Lily Thomas v. Union of India:** Section 8(4) of RPA struck down. MPs/MLAs disqualified instantly upon conviction.
- **Increased Election Spending Limits: ₹70 lakh for Lok Sabha (large states). ₹28 lakh for Assembly elections.**
- **Electoral Bonds (2018): Struck Down in 2024**
- **ERONET & Centralised EPIC System:** Eliminated duplicate voters, improved accuracy of electoral rolls.
- **EVM Chip Verification (2024–25):** SC allows 5% sample verification of memory chips in suspected tampering cases.

WAY FORWARD:

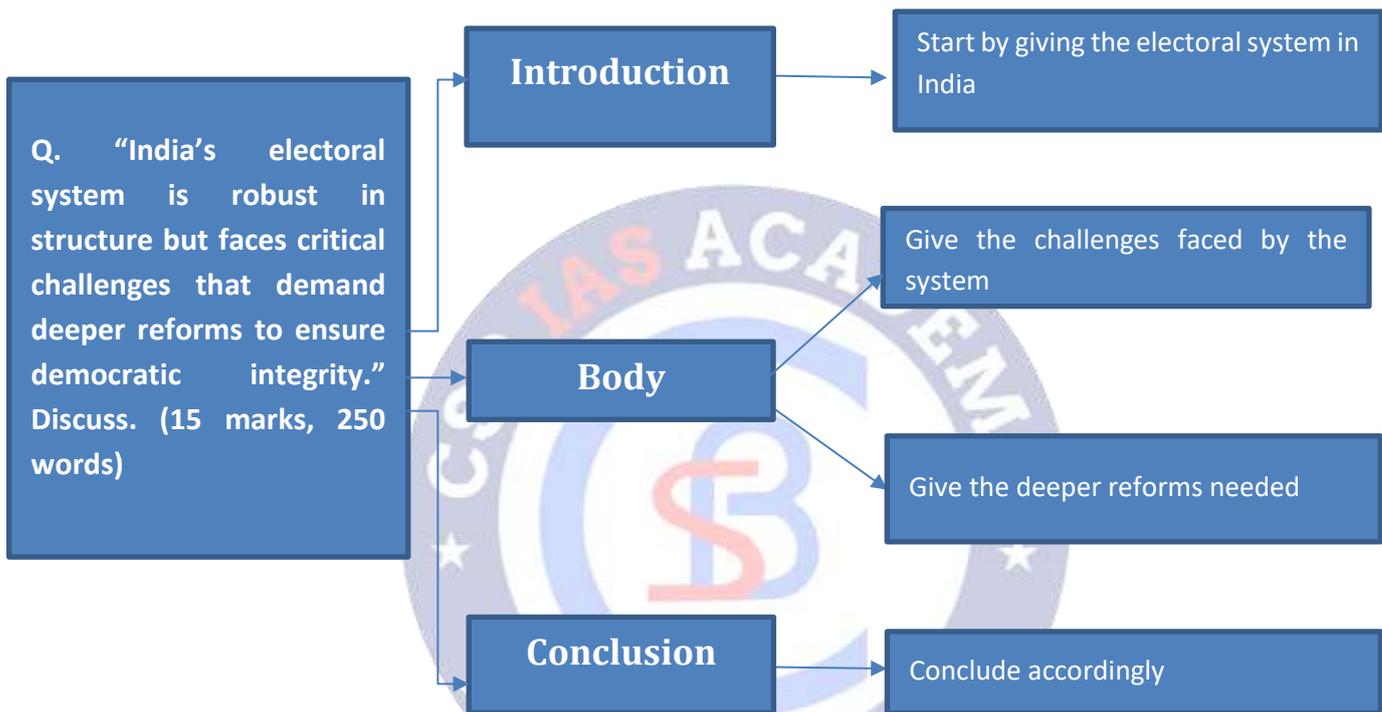
- **Strengthen Transparency in Political Funding:** Political parties must disclose **all donors**, PAN/Aadhaar, and bank details. Create an **Independent Political Finance Authority** for real-time auditing.
 - **UK:** All political donations > £500 must be disclosed
 - **Indrajit Gupta Committee (1998):** State funding for recognised parties.
 - **Law Commission 255th Report (2015):** Full disclosure & regulation of donations.
- **Criminalization of Politics:** Debar candidates with **serious criminal charges** (rape, murder, corruption) framed by a court.
 - **Vohra Committee (1993) + ECI (2014) + LCI 244th Report** recommended immediate disqualification.
- **Electoral Technology & EVM Trust:** Increase VVPAT random verification to **5–10% scientifically determined samples**. Allow chip-level verification in suspicious cases.
 - **Germany** eliminated EVMs due to transparency concerns.
 - **Brazil** uses mandatory audit trails.
- **Electoral Roll Integrity:** Link EPIC with Aadhaar **after privacy safeguards**. Real-time roll updates using **door-to-door verification**.
 - **Australia** uses automatic voter enrolment.
 - **Canada** updates electoral rolls monthly.
- **Strengthen the Model Code of Conduct (MCC):** Empower ECI to take **immediate punitive action** against hate speech, fake news, and communal appeals. Allow EC to **revoke star campaigner status**.
- **Internal Democracy in Political Parties:** Mandatory **internal elections**, audited membership lists, and financial transparency.
 - **Law Commission 170th Report (1999)**
 - **Dinesh Goswami Committee (1990):** Reforms in party functioning & election finance.
- **Reducing Money Power:** Cap political party expenditure (currently unlimited). Mandate real-time disclosure of campaign expenses online.

- **Simultaneous Elections:** Adoption of One Nation–One Election in phases. **Kovind Committee (2024–25)** recommended single electoral roll & EPIC.
- **Improve Voter Turnout & Participation:** Expand postal ballots to senior citizens (70+), PwDs, migrants & NRIs. Introduce **remote voting technology** with safeguards. Strengthen voter education through SVEEP programme.

PRACTICE QUESTION:

Q. “India’s electoral system is robust in structure but faces critical challenges that demand deeper reforms to ensure democratic integrity.” Discuss. (15 marks, 250 words)

APPROACH:



MODEL ANSWER:

India’s electoral system anchored in universal adult suffrage and supervised by the Election Commission of India (ECI) under Article 324 forms the backbone of the world’s largest democracy. The Supreme Court in *Mohinder Singh Gill v. CEC* (1978) held that the powers of the ECI are plenary in nature, enabling it to act in areas where the law is silent.

Key Challenges Facing the Electoral System

- **Opaque Political Funding:** Nearly 55% of parties’ income is from “unknown sources”; cash donations up to ₹2000 escape scrutiny. The petition before SC challenges Section 13A(d) IT Act for violating voters’ right to know
- **Criminalization of Politics:** 46% of MPs (2024) face criminal cases; 31% face serious charges. Despite mandatory disclosures, voter behaviour and party incentives continue to promote tainted candidates.
- **EVM–VVPAT Trust Deficit:** Despite technological safeguards, public suspicion persists. SC allowed 5% chip verification in case of tampering concerns, but demands for 100% VVPAT counting continue

- **Weak Internal Party Democracy:** Lack of transparent membership rolls, elections, and candidate selection processes. Law Commission (255th Report, 2015) flagged party opacity as a threat to democracy.
- **Electoral Roll Errors & Voter Disengagement:** Duplicate EPIC numbers, missing names, and low turnout in metros (often below 55%). ECI's ERONET system addresses duplication but concerns remain, especially in Maharashtra and Delhi
- **Misuse of Money & MCC Violations:** Campaign expenditure in 2024 crossed ₹1,00,000 crore. Star campaigners frequently violate MCC, hate speech, communal appeals, while the ECI lacks punitive powers beyond warnings and temporary bans.

Needed Electoral Reforms:

Strengthen Transparency in Political Funding

- Ban all cash donations (as demanded in the SC petition) and mandate real-time disclosure of donors.
- Establish an independent Political Finance Regulatory Authority.
- Implement Indrajit Gupta Committee recommendation on partial state funding.

Decriminalize Politics

- Bar candidates with serious charges (murder, rape, corruption) after charges are framed by a court.
- Implement Vohra Committee findings on crime-politics nexus.

Improve Electoral Technology Integrity

- Increase VVPAT verification to 5–10% samples, scientifically determined.
- Mandatory chip-level audit when tampering is suspected (as permitted by SC)
- Adopt best practices like Brazil's mandatory audit trails.

Strengthen Internal Democracy in Parties

- Mandatory internal elections audited financial statements, membership transparency.
- Based on Law Commission 170th & 255th Reports and Dinesh Goswami Committee.

Comprehensive Electoral Roll Reforms

- Aadhaar linkage with privacy safeguards.
- Automatic voter registration (Australian model).
- Real-time EPIC updates to prevent duplication.

Empower ECI & Reform the MCC

- Give ECI power to deregister parties for repeated violations.
- Allow revocation of star campaigner status and impose financial penalties.
- Establish fast-track courts for electoral offences.

India's electoral system remains a robust democratic mechanism rooted in constitutional autonomy and institutional strength. A cleaner, more transparent, and more accountable electoral system is indispensable for India's democratic future.