



Electoral Reforms and the Strengthening of Democracy in India

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Abstract

The principle of representative democracy is that it is carried out through free and fair elections, and the legitimacy of every government that comes from the elections depends on the credibility of the electoral process. This paper deals with the electoral reforms in India and its role in making the democracy stronger with the help of secondary data collected from Election Commission of India, Association for Democratic Reforms, official committee's report and scholarly articles. It discusses the key changes since the 1980s such as lowering the voting age, the anti-defection law, photo identity cards, electronic voting machines, mandatory disclosure of candidates' antecedents, the option of None of the Above and the paper trail for electronic voting machines. It then examines the trends in the criminal conviction record of the members of the Lok Sabha elected and the increase in the declared wealth of these elected members, of the scale and cost of general elections. While the paper says that India has made a success of election administration and increased information for voters, it points out that money power, criminalisation of politics, intransparency of electoral processes and the lack of intra-party democracy are still serious problems. It calls for a new push for reform in the area of political finance, integrity of candidates and the independence and transparency of electoral institutions in the second step of the reform process.

Keywords: Electoral reforms; Election Commission of India; criminalisation of politics; political finance; electronic voting machines; democracy; India

Introduction

In a representative democracy, citizens choose and replace their rulers by holding elections. According to Schumpeter, the democratic method is an institutional arrangement whereby people win or lose power by competing with one another for the people's approval (Schumpeter, 269) and Dahl cited free, fair, and frequent elections as one of the basic requirements of polyarchy (Dahl, 3). An election, however, is not democratic because it is only because it is held. Diamond pointed out that many regimes today hold regular elections but do not allow the citizens to vote in a fair election because elected leaders slowly erode norms and institutions over time, thus undermining the democracy (Diamond, 21). Levitsky and Ziblatt have demonstrated that today, democracies often endure through the slow deterioration of norms and institutions by their elected leaders rather than by sudden coups (Levitsky and Ziblatt, 3). The integrity of the electoral process is thus a matter that relates to the survival of the democratic quality.

Since 1952, the Constitution has provided for the Election Commission of India under Article 324 of the Constitution and India has held 18 general elections with numerous state and local elections. Former Chief Election Commissioner Quraishi has termed the functioning of Indian



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elections as a 'logistical achievement,' with millions of polling officials, more than 10 lakh polling stations and an electorate of almost 97 crore in 2024 (Quraishi, 1). According to Guha, the first election itself was a faith in the ability of the illiterate masses to cast a vote (Guha, 130). But the same system responsible for the peaceful, massive polls has been attacked for the power of money, candidates who have criminal charges pending against them, murky party financing, abuse of official powers, and lack of oversight of campaign speech.

Thus electoral reform in India has been an ongoing process, underpinned by the Election Commission, the Courts, parliamentary laws, and experts committees and civil society groups. The reforms extend from new technologies to alterations in election financing and legal changes that restrict who can challenge the election results. In the Indian Constitution, Bhargava says, the rules of political competition and the rules of the game themselves are subject to change; the Constitution is a document that is meant to allow political change to happen, meaning it should have the ability to change the rules of the game and of political competition (Bhargava, 1). In this paper, the authors consider the extent to which these reforms have bolstered democracy and what still needs to be done.

Review of Literature

A first body of literature deals with the effects of electoral systems. The plausibility of Duverger's famous suggestion that the plurality rule in single-member districts favours a two-party system was well supported and Rae provided evidence of the systematic political consequences of electoral laws for party competition (Duverger, 217). In Norris's terminology, electoral engineering is the purposeful construction of voting rules in order to pursue specific objectives, like representation and governability. Lijphart contrasted majoritarian and consensus democracies and argued that the former tend to be less inclusive in their representation, but more straightforward in their coalition politics, while the latter tend to be more inclusive in their representation and more complex in their coalition politics (Lijphart, 143). The works have situated the on-going Indian debate on the first-past-the-post system. In this context, Indian researchers have observed how, despite this, India has evolved a multi-party (and then coalition) system as pointed out by Sridharan in his discussion of the fragmentation of the party system (Sridharan, 475), and Chhibber and Kollman in their comparative study of how party systems are formed (Kollman, 1).

The other body of literature is focused on money and politics and crime. In India, according to Vaishnav, criminal candidates are elected because voters do not even know that their records are criminal: "In India, criminal candidates are elected not because voters don't know who they are, but because their ability to provide funds to the political party is valued by political parties and because in the context of weak state capacity, voters may believe that the candidate can provide benefits and protection" (1). Rising campaign costs, cash payments and the absence of transparency leads to a vicious circle of dependence of political parties on private funds and their provision of favours in return. Chhibber and Verma analyzed the importance of ideology and identity in Indian voting and parties, suggesting that any reform should consider the actual



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behavior of voters and parties (Chhibber and Verma, 1). As far as the anti-defection law is concerned, Kashyap's study elucidates the purpose behind the Tenth Schedule and the debate regarding the role of presiding officers (Kashyap, 1).

A third source is the official reports that have played a role in the reform agenda. The Dinesh Goswami Committee on Electoral Reforms, 1990, looked into various matters including disqualification and the power of money, role of the Election Commission. This is what the Vohra Committee reported in 1993, when it found that criminals, politicians and bureaucrats (Vohra Committee, 1) have formed a nexus. The 170th report of the Law Commission of India (1999) and the 255th report of the Law Commission of India (2015) suggested several steps such as improved disclosure, political finance reforms and strengthening of the internal party democracy. Association for Democratic Reforms has regularly produced analyses of the background of the candidates and the winners, and they are extensively used in public debate (Association for Democratic Reforms). Kohli's anthology of writings reminds us of the fact that the success of a democratic experiment in India has always been underpinned by the conflict between the two sets of institutions and social realities (Kohli, 1). The existing literature has, accordingly, focussed on individual aspects of reform; the aim of this paper is to bring the core reforms and key indicators together into a single analysis.

Objectives of the Study

1. To trace the major electoral reforms introduced in India and examine their underlying purposes.
2. To analyse trends in the criminal records and declared assets of winning candidates in Indian elections.
3. To examine changes in the scale, administration, and cost of general elections in India.
4. To discuss the major issues and debates relating to electoral reforms and political finance in India.
5. To suggest appropriate measures for strengthening the electoral process and democratic governance in India.

Research Methodology

This is a Descriptive and Analytical study using Secondary data. Data relating to reform has been compiled from official documents containing information from the Constitution, Acts of Parliament, Supreme Court directions and committee/commission reports. The publications of the Election Commission of India have been referred to to gather information on the number of electors, polling stations and turnout. Association for Democratic Reforms' election analyses, which are based on the winner candidates' self sworn affidavits, has provided data on the criminal and financial background of winners. Estimates of campaign expenditure have been taken from studies of the CMS Media Lab as reported in public sources. The figures are explained by making simple comparisons and calculating changes between elections. The restrictions should be remembered. Data in the affidavits are not official and cannot be verified precisely, expenditure



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estimates are not official and should be compared with the latest published reports and the data are rounded.

Evolution of Electoral Reforms in India

There have been several stages in the process of electoral reform in India. In the first decade the focus was on establishing a dependable electoral register, polling procedure and an independent Electoral Commission. In the 1970s and 1980s, the issues of defections, booth capturing and the increasing power of money drew focus, with the Goswami Committee being proposed for addressing them. The Election Commission has been more active in the use of its constitutional powers since the 1990s and the Supreme Court has since 2002 been sending directions which have affected the information given to voters. The major reforms are listed in Table 1.

Table 1: Major Electoral Reforms in India since the 1980s

Reform	Year	Purpose / Effect
Anti-defection law (52nd Amendment, Tenth Schedule)	1985	Disqualification of legislators who defect, to give stability to governments and parties
Lowering of voting age to 18 (61st Amendment)	1988	Enfranchisement of young citizens aged 18 to 20
Electors' Photo Identity Card (EPIC)	1993	Reduction of impersonation and bogus voting
Mandatory disclosure of criminal, financial and educational details of candidates	2002-03	Supreme Court direction followed by amendment of law; better informed voters
Electronic Voting Machines in all Lok Sabha constituencies	2004	Faster counting, fewer invalid votes and less scope for booth capturing
Disqualification of convicted legislators with immediate effect	2013	Supreme Court ruling ended protection for sitting members pending appeal
None of the Above (NOTA) option	2013	Right of voters to register rejection of all candidates
Voter Verifiable Paper Audit Trail (VVPAT)	2013-2019	Introduced in stages and used with EVMs in all constituencies in 2019
Electoral Bonds Scheme	2018	Anonymous instrument for party donations; struck down by the Supreme Court in February 2024



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cVIGIL application	2018	Citizen reporting of Model Code of Conduct violations with photographs and videos
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Source: Compiled by the author from Election Commission of India publications, Acts of Parliament and Supreme Court decisions

Table 1 indicates that there have been three general types of reforms. The first group relates to the mechanics of the voting process: identity cards, electronic voting machines and the paper trail have made the voting and counting process more reliable. The second relates to the information and choices of voters, the affidavits and NOTA. The third is related to the rules of political competition such as defection and disqualification of convicted members. The Electoral Bonds Scheme was a move back in the direction of opacity because it allowed for anonymous donations and the cancellation of the scheme in 2024 emphasized the need for public review in the reform process. What is noticeable is that many of the important developments since 2002 have been through judicial action and litigation from civil society, and this is similarly seen in the Law Commission's reports which recommended that Parliament should move first to reform (Law Commission, 255th Report, 1). Mechanics of voting have been reformed to a large extent, and this has proved successful. The introduction of electronic voting systems saw a decrease in the number of invalid votes, reduced the practice of booth capturing and accelerated the declaration of results (Quraishi, 1). The electoral register is more reliable thanks to the use of photo identity cards and the digitisation of electoral rolls, but the accuracy of the electoral rolls in terms of eligible voters being struck off and the inclusion of multiple entries is periodically contested. The Election Commission (EC) has also enhanced the perception of fairness in the conduct of elections, through its phased elections with central forces, and its monitoring of expenditure, although there is a lack of uniformity in its application of the Model Code of Conduct against powerful actors.

Criminalisation and Wealth in Electoral Politics

One of the thorniest issues in the discussion about electoral reform is the entry of candidates with criminal cases and hefty declared wealth into legislatures. Since the Supreme Court's directive in 2002, all candidates have to submit affidavits containing information on criminal cases, assets, liabilities and education and the Association for Democratic Reforms has studied these affidavits for each general election. The results of winners won in Lok Sabha are summarized in Table 2.

Table 2: Criminal Cases and Declared Wealth of Winning Candidates in Lok Sabha Elections

Election Year	Winners with Criminal (%)	Winners with Serious Criminal Cases (%)	Winners with Assets above Rs 1 Crore (%)
2009	30	14	58
2014	34	21	82
2019	43	29	88
2024	46	31	93



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Source: Association for Democratic Reforms and National Election Watch, analysis of affidavits of winning candidates

Table 2 shows that all three indicators have been increasing over time. The percentage of winning applicants where criminal cases were filed also grew by sixteen percentage points, from 30 per cent in 2009 to 46 per cent in 2024, and the number of applicants with serious offences (murder, attempt to murder or crime against women) more than doubled from 14 to 31 per cent. The percentage of people winning assets of more than one crore rupees increased from 58 per cent to 93 per cent. The trends have taken place despite the disclosure reform of 2002, which has shown that disclosure is not enough to deter parties from nominating them or voters from voting for them. By saying this, Vaishnav tries to explain the paradox of why, in a weak state, some voters prefer parties to have candidates who are rich and have criminal records because they can afford to fund their own campaigns, and some voters perceive such candidates as good models of leadership in such a context. Previously, a Vohra Committee had called the link between crime and politics a threat to the operation of institutions (Vohra Committee, 1). Reading the figures carefully is very important. Many cases are politically motivated and others have been pending for years and a case does not equate to a conviction. Meanwhile, delays in trials are an issue too as they permit individuals with severe accusations to stay in public service. The 2013 decision that convicted sitting members are not to be protected was a step in the right direction, but it only comes into effect once convicted and trials of members are lengthy. The growing number of winners is a symptom of the related issue of the expense of elections. If candidates have to pay for a race to run, those who don't pay do not get a chance and those who do spend have to recoup their expenses or pay their donors. The Law Commission suggested that the disqualification of candidates who have serious charges laid by a court should be done at framing of charges stage and fast-track trials should be offered (Law Commission 170th Report 1). Thus, Chhibber and Verma recommend that voters assess the performance of the candidate and his/her identity and ideology together, and the improvement of the structure of the parties have to go hand in hand with the change in the system of selecting candidates (Chhibber, 1).

Administration, Technology and Cost of General Elections

The size of the Indian elections has grown significantly. The size and cost of the last three general elections are reflected in key indicators as shown in Table 3.

Table 3: Scale and Estimated Cost of General Elections to the Lok Sabha

Election Year	Electorate (crore)	Polling Stations (lakh)	Turnout (%)	Estimated Total Expenditure (Rs crore)
2014	83.4	About 9.3	66.4	About 30,000
2019	91.2	About 10.4	67.4	About 55,000
2024	96.8	About 10.5	65.8	About 1,35,000



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Source: Election Commission of India (electorate, polling stations, turnout); CMS Media Lab estimates as reported in public sources

Table 3 indicates an increase of approximately 13 crore electorate from 2014 to 2024 and the number of polling stations rose by approximately 1.2 lakh, keeping a polling station within easy reach of all voters as a policy followed by the Election Commission. Turnout rose in 2014 and 2019 and eased slightly in 2024. The biggest difference is in the estimated amount, which rose by about 4.5 times in 10 years according to the independent estimates. The numbers suggest the cost of elections has now exceeded the legal limits on how much candidates can spend—although with the margin of error in such estimates, and accounting for inflation, it is hard to say. This is largely the spending of the parties and their supporters and not similarly restricted and large cash donations, as Kapur and Vaishnav explain (Vaishnav, 1). There is widespread use of technology in election administration. Technology has been widely applied in election administration. The electronic voting machines and paper trails have made results easier to come out and have made them more verifiable, and the Election Commission has been using digital applications for voter registration, information and complaint monitoring. Concurrently, these developments have led to discussions on transparency and verification of the system. Political parties have periodically raised doubts about the accuracy of machines and the Commission and Supreme Court have responded by requiring more paper slips to be verified. The experience suggests that only together technology and transparency, openness of verification procedures and perceived independence of the Commission can generate public confidence (Ziblatt, 3).

Political Finance and Transparency

Along with cost, party funding opacity provides incentives for corruption and reliance on the wealthy donors and candidates (Kapur, 1). India has tried a variety of measures such as cap on candidate expenditure, exemption of income tax for political parties, filing submission reports of contributions and in 2018 the Electoral Bonds Scheme. The scheme enabled donors to make a donation to a designated bank in the form of a bond without the identification of the donor's name ever being made public. Supporters said it would promote donations to be given through the banking system, and opponents said it would foster anonymous corporate power and keep voters from finding out who funds parties. The Supreme Court declared the scheme unconstitutional in February 2024, stating that it infringed on the right to information of the voters, and ordered the information about the donations to be made public. It highlights the fragility and the strength of the reform system. It demonstrated that a reform could be implemented whilst not having much public attention, but it also demonstrated that institutions like civil society organisations and the judiciary could be correctives. The Law Commission had suggested the partial funding of elections by the state, audit of party accounts and stricter reporting requirements (Law Commission, 255th Report, 1) while the Goswami Committee had thought of the possibility of state funding of elections in kind (Goswami Committee, 1). In India, it is uncertain whether state funding would help to cut down the amount of private funding and what is sure is that the transparency of the funding and credible auditing of the parties are minimum requirements.



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Continuing Debates on Electoral Reform

There are a number of larger proposals that are yet to be agreed upon. The first is related to the electoral system. The principle of the first-past-the-post can result in a party winning a majority of seats on an average of less than 50% of the vote. According to Duverger's law, a competition in each constituency is supposed to narrow down to two main competitors; Indian experience, on the other hand, has been more complicated, with regional parties and coalitions. Lijphart's work shows that a proportional representation or mixed system might better represent the diversity of groups, but would make government formation more difficult (Lijphart, 143). A mixed system was proposed for the examination under an experimental basis by the Law Commission's 170th report (1). The study also shows that the degree of centralisation of authority is also crucial for the understanding of party systems, when assessing the expected impact of change (Chhibber and Kollman, 1). The second debate is on the anti-defection law. Tenth Schedule was meant to avoid opportunistic change of party after the elections, but it has been condemned for curbing freedom of members to vote on their conscience and for granting the presiding officers too much discretion which has been misapplied (Kashyap, 1).

The third debate is on simultaneous elections for Lok Sabha and the state assemblies. A high-level committee looked into the proposal and gave its report in 2024, with a constitutional amendment bill submitted to Parliament to implement it. Proponents say conservations in cost, less disruption from the Model Code of Conduct and policy continuity, and opponents say it could compromise federalism and accountability of government to voters, and it would take significant constitutional changes. The status of the proposal should be verified from the latest official announcements. The fourth relates to inclusion and access.

The reservation for women was carried out in legislatures in 2023 (yet to be implemented due to delimitation) and remote voting and postal voting are still being tried to make voting possible for migrant workers, persons with disabilities, and senior citizens. The fifth is related to the process of selecting candidates, and the internal democracy of parties. The Law Commission and the Goswami Committee also highlighted the importance of reforms in party organizations and finance as the primary interface between the voters and the state (Law Commission, 255th Report, 1; Goswami Committee, 1). Finally, there is the issue of the independence of the Election Commission itself and judicial or legislative efforts to regulate the way Election Commissioners are appointed in recent years point to the need for the public to trust the Election Commission.

Role of the Election Commission, the Courts and Civil Society

There are three groups of actors that have been instrumental in the reform of Indian elections and each deserves being singled out. As a constitutional authority enjoying powers of superintendence, direction and control of elections, the Election Commission has exercised its powers to enforce discipline, to introduce technology and to increase the facilitation of voters. Voters' education programmes, monitoring of expenditure and the use of central forces were developed by the Commission to enable the system to handle the size of the exercise (Quraishi, 1). However, the power of the Commission is always rooted in the trust of those who lead it, and



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in governments' respect for its independence, thus the process of appointment and the safeguarding of its tenure are crucial to good democracy. The second driver has been the courts. The public interest litigations resulted in disclosure of candidate information, disqualification of convicted legislators, rejection of all candidates and electoral bonds. It can be explained with reference to Bhargava's interpretation of the Constitution as a document that must be interpreted to safeguard democratic values, how the judiciary participates in such issues.

The third driver is civil society organisations. The Association for Democratic Reforms compiled and published information from the affidavits and made them available to citizens and the media; its analyses were also part of every election (Association for Democratic Reforms). Guha has highlighted how the life of Indian democracy has been enriched by citizens' actions that help supplement formal institutions (Guha, 130). There are good and bad aspects to this pattern. It demonstrates the ability of institutions other than the political parties to address public issues that is one of the reasons for the longevity of Indian democracy (Kohli, 1).

Challenges

The key issues surrounding electoral reform can be broadly put as follows. First, the political motivations for reform are not strong; any politicians who benefit from the status quo will have to change it. That's why most of the key changes have been from the courts and the Election Commission. Second, enforcement is hard to achieve. There are expenditure limits, there is a Model Code of Conduct and there are disclosure rules, but the capacity and will to enforce these against strong candidates varies. Thirdly, the criminal justice system is slow and those accused of serious offences continue to challenge them, and trials of legislators can take years. Fourth, media and technology has introduced new issues for which the current law is less suitable, such as targeted online advertising, fake information and use of Artificial Intelligence in generating fake information. Fifth, Reforms do not necessarily lead to changes in behaviour.

Looking at the work of Vaishnav, it is likely that voters may elect candidates with criminal records based on issues of governance and identity (Vaishnav, 1), which suggests that the voter awareness program needs to be coupled with an enhancement of the public services. Sixth, electoral rolls, both in terms of their quality and inclusiveness, and the trust of community members in the electoral process, must be continually maintained. The problems indicate that reform is an ongoing process and is not fully achieved.

Suggestions

These are some suggestions that come from the study. First, transparency in political finance should be achieved by making all contributions to parties above a small threshold public, and by the inclusion of independent auditors to audit party accounts, and by setting a reasonable cap on cash contributions. Enforcement should be considered along with the possibility of a partial public funding as recommended by the Goswami Committee and the Law Commission. Second, trials of legislators should be held in specified special courts within a definite time limit and Parliament should take into account the Law Commission's recommendation on disqualification while framing of serious charges to the legislators with safeguards against misuse (Law



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Commission, 170th Report, 1). Third, parties must be held to transparent rules of selecting candidates and holding internal elections, and publish the motives for choosing candidates who have criminal cases. Fourth, the Election Commission must be strengthened with credible and consultative procedures for the appointment of commissioners, statutory powers and financial autonomy for the enforcement of the Model Code of Conduct. Fifth, there should be rules that govern digital campaigning, such as disclosure of paid political ads and swift response to misinformation. Sixth, electoral rolls should be kept with proper process, notice and opportunity for the individual to be heard before deletion of their name; as well as with a special effort to ensure that migrants, women, persons with disabilities and young people are registered. Seventh, Voter education should be enhanced via Schools, Colleges and civil society so that voters can take advantage of the information provided. Finally, where major structural changes are proposed, such as change in election system, or simultaneous elections, these should be considered only after extensive public discussion and experimental trials.

Conclusion

This paper has explored the electoral reforms in India and how it contributes to enhance democracy in the Indian context. The analysis reveals that there has been a remarkable success in election administration in the country. The use of technology to monitor voting, disclosing of candidate information, all-candidates paper ballot and the introduction of photo identity cards have enhanced the integrity and accessibility of the process. The size of the exercise in 2024 -- approximately 97 crore voters and over ten lakh polling stations -- shows the ability of Indian institutions, and, as Varshney writes, Indian democracy's record is "significant victories and yet more battles... remain unsettled" (Varshney, 3). Meanwhile, the evidence shows there are deep-seated weaknesses. The percentage of Lok Sabha winners with declared criminal records increased from 30 to 46 per cent from 2009 to 2024 and the percentage of those with serious cases jumped from 6 to more than 10 per cent, while the number of crorepati winners has increased to 93 per cent during the same period. This is because the cost of the elections has increased by many folds in 10 years and political financing is still not transparent, as seen in the case of electoral bonds. The answer to the questions is thus two-fold: on the one hand, the voting procedure has been improved; on the other, information has improved. But in both cases, more has been achieved than the reforms' impact on the underlying incentives of money and power. Efficient and transparent finance, speedy justice for those in public service, democratic political parties and an independent and trusted Election Commission will be necessary for strengthening democracy. Reform is not a one-off act, but an ongoing process of renewal and the role of courts, the media, civil society and voters will continue to be vital.

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