

Elections - Election Laws & Electoral Reforms

Introduction

The concept of democracy as visualised by the Constitution pre-supposes the representation of the people in Parliament and State legislatures by the method of election. The Supreme Court has held that democracy is one of the inalienable basic features of the Constitution of India and forms part of its basic structure.

The Constitution of India adopted a Parliamentary form of government. Parliament consists of the President of India and the two Houses — Rajya Sabha and Lok Sabha. India, being a Union of states, has separate state legislatures for each state. State legislatures consist of the Governor and two Houses — Legislative Council and Legislative Assembly — in six states, namely, Andhra Pradesh, Telangana, Bihar, Karnataka, Maharashtra and Uttar Pradesh, and of the Governor and the state Legislative Assembly in the remaining 22 states. Apart from the above, three out of the seven Union Territories, namely, National Capital Territory of Delhi and Puducherry and Jammu & Kashmir, also have their Legislative Assemblies.

The Election Commission of India is an autonomous constitutional authority responsible for administering Union and State election processes in India. The body administers elections to the Lok Sabha, Rajya Sabha, State Legislative Assemblies in India, and the offices of the President and Vice President in the country.

Powers and Functions of the Election Commission

The primary function of the Election Commission is to conduct free and fair elections in India. For this purpose, the Election Commission has the following functions:

Delimitation of Constituencies

The country has been divided into 543 Parliamentary Constituencies, each of which returns one MP to the Lok Sabha, the lower house of the Parliament. The Federal Democratic Republic of India has thirty-five constituent units. All the twenty-eight States and two of

the seven Union Territories have their own assemblies – Legislative Assembly. The thirty-one Assemblies have 4120 Constituencies.

To facilitate the process of elections, a country has to be divided into several constituencies. Constituency is territorial area from where a candidate contests elections. The task of delimiting constituencies is generally performed by the Delimitation Commission consisting of five serving or retired judges of the Supreme Court and the Chief Election Commissioner who is its ex-officio member. All secretarial assistance (at all levels, national, state, district) is provided to the Delimitation Commission by the Election Commission. The Delimitation Commission is constituted by the Government from time to time.

Preparation of Electoral Rolls

Each constituency has a comprehensive list of voters. It is known as the Electoral Roll, or the Voters' List. The Commission prepares the Electoral Roll for Parliament as well as Legislative Assembly elections. The Electoral Roll of every constituency contains the names of all the persons who have right to vote in that constituency. The electoral roll is also revised from time to time generally before every general election, by-election and mid-term election in the constituency.

1. **General Election:** Election to constitute a new Lok Sabha or Assembly is called General Election.
2. **Bye-Election:** If at any time there is a mid-term vacancy due to the death or resignation of a member either in Lok Sabha or Legislative Assembly only one seat falls vacant. The election for that seat is known as bye-election.
3. **Mid-term Election:** If the Lok Sabha or State Assembly is dissolved before completion of five years and the election is held to constitute new Lok Sabha or new State Assembly, etc. is called mid-term election.

The revision is carried out from house to house by the

enumerators appointed by Election Commission and all eligible voters are registered. A person can be registered as a voter if he/she fulfils the following conditions:

1. He/she is a citizen of India.
2. He/she is 18 years of age.
3. He/she is resident of the constituency.

Recognition of Political Parties

One of the important functions of the Election Commission is to recognise political parties as all India (National) or State (Regional) Political Parties. If in a general election, a particular party gets four percent of the total valid votes polled in any four states it is recognised as an all India (National) Party. If a party gets four percent of the total valid votes in a state, it is recognized as a State or regional party.

Allotment of Symbol

Political Parties have symbols which are allotted by the Election Commission. For example, Hand is the symbol of the Indian National Congress, Lotus is the symbol of the Bhartiya Janata Party (BJP) and Elephant is the symbol of Bahujan Samaj Party. These symbols are significant for the following reasons:

1. They are a help for the illiterate voters who cannot read the names of the candidates.
2. They help in differentiating between two candidates having the same name.

Officers on Election Duty

To ensure that elections are held in free and fair manner, the Election Commission appoints thousands of polling personnel to assist in the election work. These personnel are drawn among magistrates, police officers, civil servants, clerks, typists, school teachers, drivers, peons etc. Out of these there are three main officials who play very important role in the conduct of free and fair election. They are Returning Officer, Presiding Officer and Polling Officers.

Returning Officer

In every constituency, one Officer is designated as Returning Officer by the Commission in consultation with the concerned State government. However, an Officer can be nominated as Returning Officer for more than one constituency. All the nomination papers are submitted to the Returning Officer. Papers are scrutinised by him/her and if they are in order, accepted by him/her. Election symbols are allotted by him/her in accordance with the

directions issued by the Election Commission. He/she also accepts withdrawal of the candidates and announces the final list. He/she supervises all the polling booths, votes are counted under his/her supervision and finally result is announced by him/her. In fact, the Returning Officer is the overall in charge of the efficient and fair conduct of elections in the concerned constituency.

Presiding Officers

Every constituency has a large number of polling booths. Each polling booth on an average caters to about a thousand votes. Every such booth is under the charge of an officer who is called the Presiding Officer. He/she supervises the entire process polling in the polling booth and ensures that every voter gets an opportunity to cast vote freely. After the polling is over, he/she seals all the ballot boxes and deliver them to the Returning Officer.

Polling Officers

Every Presiding Officer is assisted by three to four polling officers. They check the names of the voters in the electoral roll, put indelible ink on the finger of the voter, issue ballot papers and ensure that votes are secretly cast by each voter.

Indelible ink – This ink cannot be removed easily. It is put on the first finger of the right hand of the voter so that a person does not come again to cast vote for the second time. This is done to avoid impersonation.

Electoral Process

Elections in India are conducted according to the procedure laid down by law. The following process is observed.

Notification for Election

The process of election officially begins when on the recommendation of Election Commission, the President in case of Lok Sabha and the Governor in case of State Assembly issue a notification for the election. Seven days are given to candidates to file nomination. The seventh day is the last date after the issue of notification excluding Sunday. Scrutiny of nomination papers is done on the day normally after the last date of filing nominations. The candidate can withdraw his/her nomination on the second day after the scrutiny of papers. Election is held not earlier than twentieth day after the withdrawal.

Filing of Nomination Structure of Government

A person who intends to contest an election is required to file the nomination paper in a prescribed form indicating

his name, age, postal address and serial number in the electoral rolls. The candidate is required to be duly proposed and seconded by at least two voters registered in the concerned constituency. Every candidate has to take an oath or make affirmation. These papers are then submitted to the Returning Officer designated by the Election Commission.

Security Deposit

Every candidate has to make a security deposit at the time of filing nomination. For Lok Sabha every candidate has to make a security deposit of Rs.10,000/- and for State Assembly Rs. 5,000. But candidates belonging to Scheduled Castes and Scheduled Tribes are required to deposit Rs. 5,000/- for if contesting the Lok Sabha elections and Rs. 2,500/- for contesting Vidhan Sabha elections. The security deposit is forfeited if the candidate fails to get at least 1/6 of the total valid votes polled.

Scrutiny and Withdrawal

All nomination papers received by the Returning Officer are scrutinised on the day fixed by the Election Commission. This is done to ensure that all papers are filled according to the procedure laid down and accompanied by required security deposit. The Returning Officer is empowered to reject a nomination paper on any one of the following grounds:

- (i) If the candidate is less than 25 years of age.
- (ii) If he/she has not made security deposit.
- (iii) If he/she is holding any office of profit.
- (iv) If he/she is not listed as a voter anywhere in the country.

The second day after the scrutiny of nomination papers is the last date for the withdrawal of the candidates. In case that day happens to be a holiday or Sunday, the day immediately after that is fixed as the last day for the withdrawal.

Election Campaign

Campaigning is the process by which a candidate tries to persuade the voters to vote for him rather than others. During this period, the candidates try to travel through their constituency to influence as many voters as possible to vote in their favour.

In the recent times, the Election Commission has granted all the recognised National and Regional Parties, free access to the State-owned electronic media, the

All India Radio (AIR) and the Doordarshan to do their campaigning. The total free time is fixed by the Election Commission which is allotted to all the political parties. Campaigning stops 48 hours before the day of polling. A number of campaign techniques are involved in the election process. Some of these are:

- i. Holding of public meetings.
- ii. Distribution of handbills, highlighting the main issues of their election manifesto (election manifesto is a document issued by political party. It is declaration of policies and programmes of the party concerned.
- iii. Door to door appeal by influential people in the party.
- iv. Broadcasting and telecasting of speeches by various political leaders.

Model Code of Conduct

During the campaign period the political parties and the contesting candidates are expected to abide by a model code of conduct evolved by the Election Commission of India on the basis of the consensus among political parties. It comes into force the moment schedule of election is announced by the Election Commission. The code of conduct is as follows:

- (i) Political Parties and contesting candidates should not use religious places for election campaign.
- (ii) Such speeches should not be delivered in a way to create hatred among different communities belonging to different religions, castes and languages, etc.
- (iii) Official machinery should not be used for election work.
- (iv) No new grants can be sanctioned, no new schemes or projects can be started once the election dates are announced.
- (v) One cannot misuse mass media for partisan coverage.

Scrutinization of Expenses

Though the Election Commission provides free access for a limited time to all the recognised National and State parties for their campaign, this does not mean that political parties do not spend anything on their elections campaign.

The political parties and the candidates contesting

election spend large sum of amount on their election campaign. However, the Election Commission has the power to scrutinise the election expenses to be incurred by the candidates. There is a ceiling on expenses to be incurred in Parliamentary as well as State Assembly elections.

Every candidate is required to file an account of his election expenses within 45 days of declaration of results. In case of default or if the candidate has incurred (expenses) more than the prescribed limit, the Election Commission can take appropriate action and the candidate elected may be disqualified and his election may be countermanded.

Polling, Counting and Declaration of Result

In order to conduct polling, large number of polling booths are set up in each constituency. Each booth is placed under the charge of a Presiding Officer with the Polling Officers to help the process. A voter casts his/her vote secretly in an enclosure, so that no other person comes to know of the choice he/she has made. It is known as secret ballot.

After the polling is over, ballot boxes are sealed in the presence of agents of the candidates. Agents ensure that no voter is denied right to vote, provided the voter turns up comes within the prescribed time limit.

Electronic Voting Machines (EVMs)

The Election Commission has started using tamper proof electronic voting machines to ensure free and fair elections. Each machine has the names and symbols of the candidates Structure of Government in a constituency.

One Electronic Voting Machine (EVM) can accommodate maximum of 16 candidates. But if the number exceeds 16, then more than one EVM may be used. If the number of candidates is very large, ballot papers may be used.

The voter has to press the appropriate button to vote for the candidate of his/her choice. As soon as the button is pressed, the machine is automatically switched off. Then comes the turn of the next voter. The machine is easy to operate, and with this the use of ballot paper and ballot boxes is done away with.

When the machine is used, the counting of votes becomes more convenient and faster. The EVMs were used in all the seven Lok Sabha constituencies in Delhi in 1999, and later in all the State Assembly constituencies.

In 2004 General Elections, EVMs were used all over the country for Lok Sabha elections. The sealed ballot boxes or EVMs are shifted in tight security to the counting centre. Counting takes place under the supervision of the Returning Officer and in the presence of candidates and their agents. If there is any doubt about the validity or otherwise of a vote, decision of the Returning Officer is final.

As soon as counting is over, the candidate securing the maximum number of votes is declared elected (or returned) by the Returning Officer.

Re-poll

If at the time of polling, a booth is captured by some anti-social elements, the Election Commission may order holding of re-poll in either the entire constituency or particular booths.

Countermanding of Election.

If a duly nominated candidate belonging to a recognised party dies at any time after the last date of nomination and before the commencement of polling, the Election Commission orders countermanding the elections. This is not just postponement of polling. The entire election process, beginning from nominations is initiated afresh in the concerned constituency.

Elections Laws in India

There are various laws related to the conduct of elections in India. The elections for both the centre and the state are conducted differently but the laws governing the conduct of elections of the Parliament and State Legislature are almost the same. These are as follows:

The Representation of the People Act, 1950

This act provides for the allocation of seats in Lok Sabha and Legislative Assemblies, delimitation of constituencies, qualifications of voters, manner of filling the seats of Rajya Sabha by Union Territory representatives etc.

- ❑ The Election Commission should appoint or nominate a Chief electoral officer for each and every state with the consultation of the State Government.
 - ❑ Appointment of district level election commissioners should also be done by the Election Commission with the consultation of the state government.
 - ❑ The Central government has the power to make any rules under this Act with the consultation of the Election Commission.
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- ❑ This Act bars the power of the Civil Courts to question the legality of any action of electoral registration officer regarding revision of electoral roll.

The Representation of the People Act, 1951

This Act provides for the conduct of elections to the Parliament and State Legislatures, qualifications, disqualifications, various offences, various doubts and disputes etc. Following are some of the rules laid down under this Act:

- ❑ Everybody or association who wants to stand as a candidate in the elections have to get itself registered with the Election Commission of India. It is on the Election Commission to register a political party or not after considering various relevant factors and particulars.
- ❑ Any change in the name and address of the political party should be communicated to the Election Commission.
- ❑ A person cannot represent the people in either Lok Sabha or Rajya Sabha if he is not eligible to vote.

The Registration of Electors Rules, 1960

- ❑ The rules contained in this Section are related to the preparation of electoral rolls, their periodic updating and revision.
- ❑ This act also provides the process for registration of eligible voters and the issuance of voter ID cards with the photograph of the voter.
- ❑ The inclusion of eligible and registered voters in the electoral rolls and the exclusion of non-eligible and non-existing voters are included in this act.
- ❑ The election commission prepares the electoral rolls during the elections which contain the name, photograph and the other particulars of the voter because of the rules mentioned under this Act.

Conduct of Election Rules, 1961

- ❑ This Act deals with each and every stage of conduct of elections in detail. It holds the issuing of writ notification for conducting elections, filing of nominations, scrutiny of nominations, withdrawal of candidates.
- ❑ This rule also governs the counting of votes and taking of polls. In the end, this rule also categorises the constitution of the Houses on the basis of the results.
- ❑ Many amendments have been made in this rule such

as the Conduct of Election Rules (Amendment), 2013 and the Conduct of Election Rules (Amendment), 2016.

Election Symbols Order, 1968

This is the order which empowers the Election Commission to recognise political parties and allot them symbols. The commission also has the power to decide disputes arising among rival groups or sections of a political party who is claiming the symbol. Under this, only the Election Commission has the power to decide all the issues arising on any disputes or a merger.

Presidential and Vice-Presidential Rules, 1974

This Act is particularly made for the conducting of elections for both the President and Vice-President. This act consisted of 41 sections in total and provides the whole process for conducting elections such as:

- ❑ Voting by electors under preventive detention
- ❑ Adjournment of the poll in emergencies
- ❑ Place and time for counting of votes
- ❑ Maintenance of secrecy of voting
- ❑ Recounting
- ❑ Production and inspection of election papers
- ❑ Copies of return of election

Section 41 of this Act repealed the Presidential and Vice-Presidential Elections Act, 1952.

Shortcomings of Indian Electoral System

There has been universal appreciation of the Indian electoral system. People have hailed the manner in which elections have been conducted in India. But there are its weaknesses. It has been seen that in spite of the efforts of Election Commission to ensure free and fair election, there are certain shortcomings of our Electoral system. Some notable weaknesses are discussed below:

Money Power Structure of Government

The role of unaccounted money in elections has become a serious problem. The political parties collect funds from companies and business houses, and then use this money to influence the voter to vote in their favour. The business contributions are mostly in cash and are not unaccounted. Many other corrupt practices are also adopted during election such as bribing, rigging or voters' intimidation, impersonation and providing transport and conveyance of voters to and fro the polling stations. The reports of liquor being distributed in poor areas are frequent during election.

Muscle Power

Earlier the criminals used to support the candidates by intimidating the voter at a gunpoint to vote according to their direction. Now they themselves have come out openly by contesting the elections leading to criminalisation of politics. As a result, violence during elections has also increased.

Caste and Religion

Generally, the candidates are given tickets by the political parties on the consideration whether the candidate can muster the support of numerically larger castes and communities and possesses enough resources. Even the electorates vote on the caste and communal lines. Communal loyalties of the voters are used at the time of propaganda campaign.

Misuse of Government Machinery

All the political parties do not have equal opportunity in respect of access to resources. The party in power is always in advantageous position than the opposition parties. There is widespread allegation that the party in power accomplishes misuse of government machinery. All these features lead to violence, booth capturing, rigging bogus voting, forcible removal of ballot papers, ballot boxes burning of vehicles, etc. which result into loss of public faith in elections.

Electoral Reforms

In order to restore the confidence of the public in the democratic electoral system, many electoral reforms have been recommended from time to time by Tarkunde Committee and Goswami Committee which were particularly appointed to study and report on the scheme for Electoral Reforms in the year 1974 and 1990 respectively. Out of these recommendations some have been implemented. In fact, it was under the chairmanship of the then Chief Election Commissioner, T.N. Sheshan, that Election Commission initiated many more measures to ensure free and fair elections. Some of the reforms which have been implemented so far are as follows:

Electoral reforms undertaken by authorities can be broadly divided into two categories:

- ❑ Pre-2000 and
- ❑ Post-2000

Both of these are discussed in the section below:

Electoral Reforms Pre-2000

Lowering of Voting Age:

- ❑ The 61st Amendment Act to the Constitution reduced the minimum age for voting from 21 to 18 years.

Deputation to Election Commission:

- ❑ All personnel working in preparing, revising and correcting the electoral rolls for elections shall be considered to be on deputation to the Election Commission for the period of such employment, and they shall be superintended by the Election Commission.

Increase in the number of proposers and the security deposit:

- ❑ The number of electors required to sign as proposers in the nomination papers for elections to the Rajya Sabha and the State Legislative Councils has been raised to 10% of the electors of the constituency or ten such electors, whichever is less chiefly to prevent frivolous candidates. The security deposit has also been hiked to prevent non-serious candidates.

Electronic Voting Machine (EVMs):

- ❑ First introduced in 1998 during the state elections of Delhi, Madhya Pradesh and Rajasthan, EVMs are used widely now as they are Full-proof, efficient and a better option in terms of the environment.

Disqualification on conviction for violating the National Honours Act, 1971:

- ❑ This shall lead to disqualification of the person for 6 years from contesting to the Parliament and the State Legislatures.
- ❑ Restriction on contesting from more than 2 constituencies: A candidate cannot contest from more than 2 constituencies.

Death of a contesting candidate:

- ❑ Previously, the election was countermanded on the death of a contesting candidate. In the future, no election will be countermanded on the death of a contesting candidate. If the deceased candidate, however, was set up by a recognized national or state party, then the party concerned will be given an option to nominate another candidate within 7 days of the issue of a notice to that effect to the party concerned by the Election Commission.

Prohibition on sale of liquor:

- ❑ No liquor or other intoxicants shall be sold or given or distributed at any shop, eating place, or any other place, whether private or public, within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll.

Time limit for bye-elections:

- ❑ Bye-elections to any House of Parliament or a State Legislature will now be held within six months of the occurrence of the vacancy in that House
- ❑ The period of campaigning has been reduced

It is prohibited by law to go to or near a polling booth bearing arms. This is punishable by imprisonment for up to 2 years.

On poll days, employees of organisations get a paid holiday and violation of this is punishable by a fine.

Electoral Reforms Post 2000

The electoral reforms target the election process in the country. The list of such electoral reforms is given below:

Ceiling on election expenditure:

- ❑ At present, there is no limit on the amount a political party can spend in an election or on a candidate. But the Commission has put a cap on individual candidates' spending. For the Lok Sabha elections, it is Rs. 50 – 70 lakhs (depending on the state they are contesting the Lok Sabha seat from), and Rs. 20 – 28 lakhs for an assembly election.

Restriction on exit polls:

- ❑ The Election Commission issued a statement before the 2019 Lok Sabha elections saying that exit poll results could be broadcast only after the final phase of the elections were over. This was done to avoid prospective voters being misguided or prejudiced in any manner.

Voting through postal ballot:

- ❑ In 2013, the Election Commission decided to expand the ambit of postal ballot voting in the country. Previously, only Indian staff in missions abroad and defence personnel in a limited way, could vote via postal ballots. Now, there are 6 categories of voters who can use the postal ballot: service voters; special voters; wives of service voters and special voters; voters subjected to preventive detention; voters on election duty and Notified voters.

Awareness Creation:

- ❑ The Government decided to observe January 25th as 'National Voters Day' to mark the Election Commission's founding day.
- ❑ Political parties need to report any contribution in excess of Rs 20,000 to the Election Commission for claiming income tax benefit.
- ❑ Declaring of criminal antecedents, assets, etc. by the candidates is required and declaring false information in the affidavit is now an electoral offence punishable with imprisonment up to 6 months or fine or both.

VVPAT – Voter Verifiable Paper Audit Trail

- ❑ From 2013, a new system has been added in the EVM called Voter Verifiable Paper Audit Trail. A printer is attached with the EVM and kept into Voting Compartment which prints Sr. No., Name and Symbol of the candidate for whom a voter has voted. This printed slip remains exposed for 7 seconds under a transparent window and gets cut automatically and falls into a drop box which remain sealed.

None Of the Above (NOTA) Option in EVMs

- ❑ In its judgment, the Supreme Court has directed that there should be a "None of the Above" (NOTA) option on the ballot papers and EVMs. The Court has directed that the Commission should implement it 'either in a phased manner or at a time with the assistance of Government of India'.
- ❑ On the Balloting Unit, below the name of the last candidate, there will now be a button for NOTA option so that electors who do not want to vote for any of the candidates can exercise their option by pressing the button against NOTA.
- ❑ The Commission takes all steps to bring this to the knowledge of voters and all other stakeholders and to train all field level officials including the polling personnel about the NOTA option. Similarly, NOTA provision is also there for the Postal Ballots.

Affidavits of Candidates – All Columns to be filled

in

- ❑ In pursuance of the judgment dated 13th September, 2013 passed by the Supreme Court, which among other things makes it obligatory for the Returning

Officer “to check whether the information required is fully furnished at the time of filing of affidavit disclosing their criminal antecedents, assets, liabilities and qualifications with the nomination paper”, the Commission has issued instructions that in the affidavit to be filed along with the nomination paper, candidates are required to fill up all columns.

- ❑ If any column in the affidavit is left blank, the Returning Officer will issue a notice to the candidate to file the affidavit with all columns filled in. After such notice, if a candidate fails to file affidavit complete in all respect, the nomination paper will be liable to be rejected at the time of scrutiny. The Chief Electoral Officer has been directed to brief all Returning Officers about the judgment of the Supreme Court and the Commission’s instructions.

Photos of Candidates on EVMs and Ballot Papers

- ❑ To prevent confusion among voters in seats where namesakes are running for office, the Election Commission ordered that in any election held after May 1, 2015, the ballot papers and EVMs feature an image of the candidate along with his or her name and party emblem.
- ❑ The first elections in which candidate images appeared on ballots were the June 2015 by-elections for six seats in five states.
- ❑ The Commission has observed that there are several instances of candidates contest from the same seat who have the same or similar names. Although suitable suffixes are applied to candidate names where there are two or more candidates with the same name, the Commission believes that additional steps are necessary to prevent confusion in voters' minds during the voting process.

There is no doubt that India needs drastic poll reforms but still the fact remains that Indian elections have been largely free and fair and successfully conducted. It gives the country the proud distinction of being the largest democracy in the world.

Electoral bonds

- ❑ Electoral Bonds are an instrument through which anyone can donate money to political parties. Such bonds, which are sold in multiples of Rs 1,000, Rs 10,000, Rs 1 lakh, Rs 10 lakh, and Rs 1 crore, can be bought from authorised branches of the State Bank

of India.

- ❑ Purpose of Electoral Bonds is to bring in transparency into political funding in India. The system of electoral bonds addresses the distress of donors continues to be unknown to the general public otherwise to rival political parties. This reform is anticipated to encourage superior transparency and answerability in political funding, at the same time as preventing the prospective generation of Black Money.
- ❑ A donor is required to pay the amount — say Rs 10 lakh — via a cheque or a digital mechanism (cash is not allowed) to the authorised SBI branch. The donor can then give this bond (just one, if the denomination chosen is Rs 10 lakh, or 10, if the denomination is Rs 1 lakh) to the party or parties of their choice.

Concerns with respect to Electoral Bonds:

Even though the Electoral Bond Scheme acts as a measure against the old under-the-table donations since bonds are through cheques and digital paper trails of transactions, there are many key provisions of the scheme that are causes of concern.

- ❑ ***Anonymity:*** There is no obligation on the part of the donor (individual or corporate) or the political party to reveal where the donations come from.
- ❑ ***Transparency:*** It will also go against transparency, a fundamental principle in political financing. Companies will no longer have to declare the names of the political parties to which they have donated, so shareholders won't know where their money has gone.

There are possibilities of making electoral bonds a convenient channel for black money. The following provisions are controversial in that sense:

- ❑ Doing away with the 7.5% cap for corporate donations.
- ❑ No need for companies to reveal their political contributions in their profit and loss statements.
- ❑ The requirement that companies should be in existence for 3 years before making political contributions undermines the scheme's intent. This makes it easy for dying, troubled or shell companies to make an unlimited donation anonymously.

- ❑ Since the bonds are bought through the State Bank of India (SBI), the government is always in a position to know who the donor is. This asymmetry of information threatens to favour whichever political party is ruling at the time.

The Election Commission of India had asked that the limit for reporting the donations (which is Rs 20000) should be brought down to Rs 2000, but instead, the government has reduced the maximum contribution by cash to Rs 2000.

It could become a convenient channel for business to round-trip their cash parked in tax havens to political parties for a favour or advantage granted in return for something

Drawbacks of Electoral Bonds

The RPA (Representation of People Act 1951) although makes it mandatory for the political parties to disclose donations over Rs 20,000, there is no law that prohibits these parties from disclosing donations below Rs 20,000 but the parties lack political will hence do not disclose

- ❑ The political parties have regularly delayed submitting the audited reports to the ECI. As per ADR between 2011-2015
 - BJP has delayed the submission on an average by 182 days
 - Congress by 166 days
 - NCP by 87 days
- ❑ Worse is the fact that some political parties do not even file the returns. There is little to show that action has been against these parties who have either delayed or not filed the returns.
- ❑ The political parties can continue to collect the funds through cheque and digital payments (but will have to file returns to the Income Tax authority).

Reform that can be done

- ❑ As per T. S. Krishnamurthy (Former CEC), the Government will not know how many times, the bond has been sold in the market before being encashed by the political party. So, it would be better if an Election Fund is set up by the Election Commission and donations to various political parties are collected by ECI (with compulsory PAN number).

- ❑ The above suggestion of setting up of election fund has been given by Indrajit Gupta Committee.

Stance of Election Commission

- ❑ The political parties can choose to encash such bonds within 15 days of receiving them and fund their electoral expenses. On the face of it, the process ensures that the name of the donor remains anonymous.
- ❑ The Election Commission, in its submission to the Standing Committee on Personnel, Public Grievances, Law and Justice in May 2017, had objected to the amendments in the Representation of the People (RP) Act, which exempt political parties from disclosing donations received through electoral bonds.
- ❑ It described the move as a “retrograde step”.

Voting Behaviour in India

India is the largest democracy in the world. All citizens of 18 years or above of the age have the right to vote in Indian elections. Despite the fact that nearly half of them are illiterates, they have in the past acted wisely and in a mature way to elect their representatives. They have already participated in several elections to Lok Sabha, State Legislative Assemblies and a large number of bye-elections. At the first general elections in India in 1952, some election studies were conducted. In the beginning, these studies lack methodological rigour and sophistication. However, with the increased use of the survey method and observation technique has improved the quality of election studies in India.

Voting Behaviour in India and its Determinants:

In India following main political and socioeconomic factors which act as determinants of voting behaviours in our Democratic system:

Education:

- ❑ It is often seen that the educated people take more interest in casting their vote as compared to the illiterates because they know the importance of their right to vote and consider the use of this right a national duty. They know that they can elect the government of their choice by executing their right to vote. Thus, education affects the voting behaviour of person and with the spread of education the ratio of the use of franchise is also increasing and during the election of the 16th Lok Sabha, the percentage

of voting had gone up to 66.38% which was quite high in comparison to previous elections.

Charisma:

- ❑ One important factor of voting behaviour is Charisma. It means the exceptional quality of a factor and overrides group elements leader that becomes a source of attraction and reverence for the people in large numbers in an opposite sense, it also means a source of fear to many people because they do not speak or dare to speak against the wishes of a powerful leader. Fortunately, in our country, the constructive aspect of charisma has had its role at the time of the election.
- ❑ The slogan of "Garibi Hatao" performed miracles in the 1971 elections, the personality of Mrs. Gandhi after India's miraculous victory in the Bangladesh war had the same wonderful impact on the mind of the electorate in the State Assembly elections of 1972. The image of Jayaprakash Narayan had the same effect in the elections of 1977. The personality of Modi, BJP won the election of 2014.

Caste:

- ❑ Caste continues to be a determining factor in voting behaviour in India. It has deep roots in society and constitutes an important basis for social relations at all levels. Despite the adoption of various provisions that prohibit action and discrimination on the basis, the caste continues to be a determining factor in political behaviour. The politicization of caste and casteism in politics has been a well-known reality of the Indian political system. The political parties in India, without exception, in formulating their policies, programs and electoral strategies always keep the caste factor in mind. Rural voters pay special attention to the caste of the candidate. Despite the adoption of democratic values that conceive a society free from casteism, the caste continues to characterize politics in India.

Ideological Commitment:

- ❑ The ideological commitment of the voters also affects the voting behaviour most of the voters are crazy about particular ideology and they keep in view the ideology of the candidate and the political party at the time of casting their votes. This fact is applicable to the voters who are the supporter of

the leftist parties.

Populist slogans:

- ❑ Sometimes different political parties raise the populist slogans according to the need of the time and affect the thinking of the voters. For example, congress raised the slogan of, 'Garibi Hatao' in 1971. During the 16th Lok Sabha election, the slogans like 'Abki baar, Modi Sarkar'.

Personal Contacts:

- ❑ Personal contacts of the candidate and voters also affect the voting behaviour of the voters. Most of the voters get influenced by personal visits of the candidate and they cast their vote in their favour. Besides this, the relatives and friends of the candidate also cast their votes in favour of them because of their personal relationship.

Party Loyalty:

- ❑ In India, many of the people are attached to their different political party and they always cast their vote in favour of the party rather than the candidate. They can't change their party loyalty even when they know that their candidate would not be going to win, such voters are known as committed voters.

Religion:

- ❑ Religion also plays an important role in Indian politics. Many political parties have been formed on the basis of religion in India. At the time of elections, different political parties beg votes in the name of religion. They raise the slogan 'Religion is in danger' and instigate the religious feelings of the people. While distributing party tickets the religion of the voters and candidates is given due consideration. It is often seen that the voters cast their votes in favour of the candidates of their own religion on being influenced by the religious feeling.

Language:

- ❑ India is a multi-lingual state. The language also serves as a factor in voting behaviour. The organization of states on a linguistic basis fully reflects the importance of language as a factor of politics in India. There have been problems in states like that of the status of one particular language in that state, or relating to the quality of the status of a language of a state. Since people have an emotional attachment with their languages, they easily get

influenced whenever there comes up any issue relating to language. Linguistic interests always influence voting behaviour, for example, D.M.K secured the vote of the people in Tamil Nadu in 1967 and 1971 by making anti-Hindi propaganda.

Influence of Money:

- India is a poor country with a large number of people living below the poverty line. Money as such plays a crucial role in determining the behaviour of votes in India. A rich candidate or party has more chances of winning the elections always. At the time of elections, the poor are allured by the glitter of the money and their votes are purchased. In this way, the process of, 'give a note and take vote' goes on in India.

Performance of the Party in Power:

- Each Political party contests elections on the basis of an election manifesto, and after coming to power, it is expected to fulfil the promises made therein. Good or bad performance of the ruling party, just on the basis of the election promises made and promises actually fulfilled influence the basic behaviour of the people in a big way. In 1989 in India, when the Congress (I), which got a thumping majority in 1984 elections, could not win even a simple majority in the very next election held in 1989 mainly because of its failure to perform successfully. In 1989, the Congress Party and in 1991 the Janata Dal failed to win because of their failures to exercise power and maintain their political stabilities. The main reason for this is a corresponding increase in the number of "floating voter" or "switchers" who are mostly young citizens from an educated upper middle class and are ready to transfer their support from one to another party on the basis of their performance.

Mass Literacy:

- Mass literacy has been another determinant of voting behaviours in India. Due to this weakness of the people that political parties, communal groups, and militant outfits, are in a position to exploit the sentiments of the people in the name of caste, religion, region and another such factor. The votes of the illiterate constitute a big proportion of the votes polled and hence it plays a big role in determining the outcomes of elections. However, despite this fact, the common sense and maturity born out of the past experience have also been

playing a big role in influence the voters mind and actions. In 1977 they united to defeat the forces authoritarianism and 1980; they again to defeat this united nonperformer.

Factionalism:

- The Indian Political life from the village level to the national level is characterized by factionalism. Neither political party nor even the cadre-based BJP and the two communist parties is free from factionalism. It is at work, as Rajni Kothari points out, at all level of the congress. It has adversely affected the strength of the congress is a political party with a glorious past, a weak present and not a bright future. Other parties are also suffering from factionalism. The voters are getting disappointed with some of the political parties because of their inability to overcome factionalism. They are moving to regional parties which, because of their small organizational network and limited operational based are relatively less affected by factionalism.

Public Esteem of the Candidate:

- A candidate report with the people with a constituency or his known qualities or contribution in any value spread of activity always acts as a factor of voting behaviour. In addition to his party loyalty or opinion on various issues and problems, the voter, while making his choice, always takes into account the nature and level of his association with the candidate. A positive image of a party's candidate is a source of popular support for the party. A voter prefers to vote for a candidate who is approachable and who can help him anyway.

Election Campaign:

- Each party launches election campaigns on a large scale to influence the voters in its favour. Use of mass gatherings, street gatherings, personal contacts, posters, poster war, movie star speeches, TV and radio broadcasts, newspaper advertising, pamphlets, processions, and propaganda is made to win votes, particularly floating votes. Polling campaign plays a role in influencing the choice of the voters. The ruling party always try to create an impression through its election campaign that it has a chance to win can earn some additional votes as several voters try to stand beside what they perceive to be a winning side.